

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Keywuan Melvin v. C/O Steber

Melvin · No. 26-cv-227-MAB · Decided May 4, 2026

SUMMARY

The court dismissed Keywaun Melvin’s 42 U.S.C. § 1983 action without prejudice because he failed to exhaust available Illinois Department of Corrections administrative remedies before filing suit. The court concluded that Melvin improperly appealed an emergency grievance directly to the Administrative Review Board after it was designated non-emergency and did not show that he completed the required prison-level grievance process.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	United States Magistrate Judge Beatty
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 4, 2026
DOCKET	26-cv-227-MAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that a correctional officer conducted a strip search improperly and in a harassing manner. The court ordered Plaintiff to show cause regarding exhaustion of administrative remedies and, after reviewing his response, dismissed the action without prejudice as prematurely filed.
STANDARD OF REVIEW	The court reviewed the face of the complaint and Plaintiff's exhibits to determine whether the failure-to-exhaust affirmative defense was apparent, and applied the rule that a complaint may be dismissed before an answer when a valid affirmative defense is plain from the pleadings.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum and order
PARTIES	Keywuan Melvin v. C/O Steber

TOPICS

prisoners rights

section 1983

affirmative defenses

civil procedure

PRACTICE AREAS

Prisoner civil rights

Civil procedure

Administrative exhaustion

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed because Plaintiff failed to exhaust available administrative remedies before filing the § 1983 action.
2. Whether Plaintiff's allegations and exhibits established on the face of the complaint that the exhaustion defense applied.
3. Whether the prison's failure to respond within Plaintiff's asserted deadline excused his failure to complete the required grievance process.

HOLDINGS

1. A prisoner may not bring a lawsuit about prison conditions under 42 U.S.C. § 1983 until all available administrative remedies have been properly exhausted.
2. Plaintiff failed to properly exhaust his administrative remedies because, after his emergency grievance was deemed non-emergency, he did not resubmit it through the ordinary prison grievance process and instead appealed directly to the Administrative Review Board.
3. The alleged failure to respond within 30 days did not excuse Plaintiff's failure to exhaust because the applicable Illinois grievance rules did not impose the asserted 30-day response deadline, and the 60-day processing period was aspirational rather than an automatic authorization to sue.
4. The court could dismiss the action before requiring an answer because the failure-to-exhaust defense was apparent from the complaint and its exhibits.

KEY QUOTATIONS

“For a prisoner to properly exhaust his administrative remedies, the prisoner must “file complaints and appeals in the place, and at the time, the prison’s administrative rules require.””

“In sum, the Court remains convinced that Plaintiff did not adequately pursue the exhaustion process prior to filing this complaint, and thus his lawsuit must be dismissed without prejudice as premature.”

FACTUAL BACKGROUND

Plaintiff, an Illinois Department of Corrections inmate at Lawrence Correctional Center, alleged that Defendant Steber performed a strip search on December 5, 2025, in an improper and harassing manner. Plaintiff submitted an emergency grievance, but the Chief Administrative Officer deemed it non-emergency and directed that it proceed through the ordinary grievance process. Rather than resubmitting the grievance through the prison process, Plaintiff appealed directly to the Administrative Review Board, which returned his documents and advised him to complete the prison-level process.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights complaint concerning a December 5, 2025 strip search. The court ordered him to show cause regarding exhaustion because his exhibits suggested that he had not completed the Illinois Department of Corrections grievance process. After Plaintiff responded, the court concluded that he had not properly resubmitted and pursued his grievance through all required levels before filing suit, dismissed the complaint without prejudice, directed the Clerk to enter judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Pavey v. Conley, 544 F.3d 739, 740 (7th Cir. 2008)
- Pozo v. McCaughtry, 286 F.3d 1022, 1024-25 (7th Cir. 2002)
- Walker v. Thompson, 288 F.3d 1005, 1009 (7th Cir. 2002)
- Early v. Bankers Life and Cas. Co., 959 F.2d 75, 79 (7th Cir. 1992)
- O'Gorman v. City of Chicago, 777 F.3d 885, 889 (7th Cir. 2015)
- Ford v. Johnson, 362 F.3d 395, 400 (7th Cir. 2004)
- Chambers v. Sood, 956 F.3d 979, 984 (7th Cir. 2020)