

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jovan Williams v. Rebecca Young, Nicholas Roen, Brittany Hibma,
Shane Hinton, Bowyn Wilson, Gina Strehlow, Officer Sullivan,
Officer Krasovek, Officer Genske, Officer Rewey, Officer Morgan,
and Dr. English

Williams · No. 25-cv-252-jdp · Decided February 17, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants defendants’ motion for partial summary judgment in Jovan Williams’s action concerning prison staff’s response to his suicide attempt and subsequent medical care. The court holds that Williams failed to exhaust his administrative remedies for claims concerning the failure to use soft restraints because his initial grievance did not fairly notify prison officials of those claims. The restraints-related claims are dismissed without prejudice, while the case proceeds against certain defendants on claims concerning the failure to prevent the overdose and provide prompt medical care.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 17, 2026
DOCKET	25-cv-252-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for partial summary judgment on the ground that plaintiff failed to exhaust administrative remedies for claims concerning the defendants' alleged failure to place him in soft restraints while he was hospitalized after a medication overdose.
STANDARD OF REVIEW	Summary judgment; defendants bore the burden of proving failure to exhaust administrative remedies as an affirmative defense.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

summary judgment

prisoners rights

civil rights

civil procedure

section 1983

PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

health law

QUESTIONS PRESENTED

1. Whether Williams exhausted his administrative remedies for claims based on defendants' alleged failure to place him in soft restraints after his overdose.
2. Whether raising the restraints issue for the first time in an appeal of the institutional grievance constituted proper exhaustion under Wisconsin's inmate grievance procedures.

HOLDINGS

1. Williams did not exhaust his administrative remedies because his grievance did not fairly notify prison officials that he was asserting a separate claim concerning the failure to use soft restraints.
2. Raising the restraints issue for the first time in an administrative appeal did not properly exhaust the claim because Wisconsin regulations require issues to be raised initially at the institution level.

KEY QUOTATIONS

“The key question is whether the prisoner’s grievance provided “prison officials a fair opportunity to address his complaint.”” (Analysis)

“Williams wrote that he was complaining about how prison staff responded to his overdose, so prison officials would have had no reason to know that he was also complaining about prison staff’s failure to use soft restraints.” (Analysis)

“Dismissals for failure to exhaust are always without prejudice” (Conclusion)

FACTUAL BACKGROUND

Williams alleged that prison staff failed to promptly respond to his threats of suicide and failed to provide adequate medical care after he attempted suicide by overdosing on medication. He also alleged that defendants refused to place him in soft restraints while he was hospitalized after the overdose, even though they knew his restraints were causing injury to his wrists and ankles. In his institutional grievance, Williams described staff's response to the overdose and mentioned that he had been left in tight restraints, but he did not identify restraint-related injuries or otherwise present the restraints issue as a separate complaint.

PROCEDURAL HISTORY

Jovan Williams filed claims under the Eighth Amendment and Wisconsin negligence law concerning prison staff's response to his suicide attempt and subsequent medical care. Defendants moved for partial summary judgment on the restraint-related claims, and Gina Strehlow moved to join that motion. The court granted both motions, dismissed the restraint claims without prejudice, dismissed the affected defendants from the case, and allowed the remaining claims to proceed.

DISPOSITION

other

CASES CITED

- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Cannon v. Washington, 418 F.3d 714, 718 (7th Cir. 2005)
- Burrell v. Powers, 431 F.3d 282, 284-85 (7th Cir. 2005)
- Woodford v. Ngo, 548 U.S. 81, 88-89 (2006)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)
- Compton v. Cox, No. 12-cv-837-jdp, 2017 WL 933152, at *6 (W.D. Wis. Mar. 8, 2017)
- Riccardo v. Rausch, 375 F.3d 521, 524 (7th Cir. 2004)
- Schillinger v. Kiley, 954 F.3d 990, 995 (7th Cir. 2020)
- Strong v. David, 297 F.3d 646, 650 (7th Cir. 2002)
- Jackson v. Esser, 105 F.4th 948 (7th Cir. 2024)
- Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011)
- Page v. Inmate Call Sols., No. 21-cv-761-WMC, 2023 WL 7408089 (W.D. Wis. Nov. 9, 2023)
- Berg v. Babcock, No. 18-cv-842-jdp, 2020 WL 869170, at *2 (W.D. Wis. Feb. 21, 2020)
- Ford v. Johnson, 362 F.3d 395, 401 (7th Cir. 2004)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN JOVAN WILLIAMS, Plaintiff, v. REBECCA YOUNG, NICHOLAS ROEN, OPINION and ORDER BRITTANY HIBMA, SHANE HINTON, BOWYN WILSON, GINA STREHLOW, 25-cv-252-jdp OFFICER SULLIVAN, OFFICER KRASOVEK, OFFICER GENSKE, OFFICER REWEY, OFFICER MORGAN, and DR. ENGLISH, Defendants. Plaintiff Jovan Williams, proceeding without counsel, alleges that prison staff at Columbia Correctional Institution failed to promptly address his threats of suicide and failed to give him adequate medical care after he attempted suicide by overdosing on medication.

Defendants move for partial summary judgment, contending that Williams failed to exhaust his administrative remedies for his claims based on defendants' refusal to put him in soft restraints when he was in the hospital after the overdose. Dkt. 36.1 For the reasons stated below, I will grant defendants' motion and dismiss the restraints claims. 1 Defendant Gina Strehlow is represented by different counsel than all the other defendants, because she was not a Department of Corrections employee when she worked at the prison.

But after the DOC defendants moved for partial summary judgment, Strehlow moved to join that motion in full. Dkt. 40. Accordingly, I will treat the motion for partial summary judgment as

brought by all the defendants. ANALYSIS The Prison Litigation Reform Act (PLRA) requires inmates to exhaust all available administrative remedies before filing a lawsuit in federal court about “prison conditions.” 42 U.S.C. § 1997e(a).

To comply with § 1997e(a), a prisoner must take each step in the administrative process, *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002), which includes following instructions for filing an initial grievance, *Cannon v. Washington*, 418 F.3d 714, 718 (7th Cir. 2005), as well as filing all necessary appeals, *Burrell v. Powers*, 431 F.3d 282, 284–85 (7th Cir.

2005), “in the place, and at the time, the prison’s administrative rules require,” *Pozo*, 286 F.3d at 1025. To exhaust administrative remedies in Wisconsin, inmates ordinarily must follow the Inmate Complaint Review System process as set forth in Wisconsin Administrative Code Chapter DOC 310.

The purpose of these requirements is to give the prison administrators a fair opportunity to resolve the grievance without litigation. *Woodford v. Ngo*, 548 U.S. 81, 88–89 (2006). Failure to exhaust administrative remedies under § 1997e(a) is an affirmative defense that must be proven by defendants. *Davis v. Mason*, 881 F.3d 982, 985 (7th Cir. 2018).

The PLRA doesn’t apply to Williams’s state-law negligence claims. But Wisconsin imposes a similar exhaustion requirement for state law claims, prohibiting prisoners from filing “a civil action or special proceeding... with respect to the prison or jail conditions in the facility in which he is or has been incarcerated, imprisoned or detained until the person has exhausted all available administrative remedies that the department of corrections had promulgated by rule.” Wis. Stat. § 801.02(7)(b).

Because Wisconsin’s law is based on the federal PLRA, a court may take guidance from federal PLRA case law. See *Compton v. Cox*, No. 12-cv-837-jdp, 2017 WL 933152, at *6 (W.D. Wis. Mar. 8, 2017) (plaintiff “is free to use federal PLRA case law in analyzing the Wisconsin version”). Williams asserts that defendants Sullivan, Krasovek, Genske, Rewey, Morgan, and English violated the Eighth Amendment and Wisconsin negligence law by refusing to put Williams in soft restraints while he was in the hospital after his overdose, even though they knew that Williams’s restraints were causing injury to his wrists and ankles.

Defendants move for summary judgment on the restraints claims, contending that Williams’s September 16, 2024, grievance about the overdose incident didn’t put defendants on notice about the restraints issue. CCI-2024-13749, Dkt. 38-2.

In the absence of particular grievance rules mandating more, a prisoner does not have to plead legal theories in their grievances. *Riccardo v. Rausch*, 375 F.3d 521, 524 (7th Cir. 2004). But a prisoner must still “provide[] notice to the prison of ‘the nature of the wrong for which redress is

sought.” *Schillinger v. Kiley*, 954 F.3d 990, 995 (7th Cir. 2020) (quoting *Strong v. David*, 297 F.3d 646, 650 (7th Cir.

2002)). The key question is whether the prisoner’s grievance provided “prison officials a fair opportunity to address his complaint.” *Jackson v. Esser*, 105 F.4th 948 (7th Cir. 2024) (quoting *Maddox v. Love*, 655 F.3d 709, 722 (7th Cir. 2011)); see also Wis. Admin. Code § DOC 310.07(6) (“A complaint must contain sufficient information for the department to investigate and decide the complaint.”).

The parties agree that the September 16 grievance is the only complaint Williams filed about the events at issue in this case. Williams identified the subject of that grievance as, “CCI staff members didn’t properly respond to my serious health needs.” Dkt. 38-2, at 10.

In his description of the incident, he wrote, “The issue that I am addressing in this complaint is that the officers and supervisor didn’t properly respond to my overdose incident.” He then wrote several paragraphs describing how prison staff failed to prevent him from overdosing, failed to supervise him after he overdosed, and failed to act quickly to send him to a hospital.

Id. at 10–11. Williams’s only reference to restraints is in the last paragraph of the grievance. Williams wrote: I then woke up in the hospital out of a coma over 24 hours later very confused with many injuries. As a result staff had to remove me from the room with force, leave me in restraints that was tight, I almost died and gina/the delay of not getting me to the hospital sooner not by EMS Ambulance could’ve caused me my life due to all of the responsible staff members at CCI not properly responding to my overdose.

This is a clear violation of my constitutional rights and total disregard of the DAI Work Rules/Policies given to them that shall be investigated. I conclude that the September 16 grievance did not fairly notify prison officials about Williams’s restraints claims. Williams wrote that he was complaining about how prison staff responded to his overdose, so prison officials would have had no reason to know that he was also complaining about prison staff’s failure to use soft restraints.

Nor does the mention of restraints in the last paragraph provide enough information to notify prison officials about the restraints claims. Williams mentioned the restraints only in the context of explaining his injuries from the overdose, suggesting that his being left in restraints was part of the harm he suffered from the overdose, not a separate issue. Williams described the restraints as “tight,” but he didn’t identify any injury he suffered from the restraints, explain whether he had complained to staff about the restraints, or otherwise say anything that might have led prison officials to investigate the restraints issue as a separate claim.

See *Page v. Inmate Call Sols.*, No. 21-cv-761-WMC, 2023 WL 7408089 (W.D. Wis. Nov. 9, 2023) (grievance must provide “sufficient basis to prompt the [complaint examiner] to investigate.”). Williams points out that he provided additional information about the restraints issue when he

appealed the grievance, saying, “staff members... left me in excessive restraints for more than 24-hrs, causing me many injuries.” Dkt.

38-2, at 30. He argues that this statement shows that he did raise the restraint issue in his grievance and that he was “just explaining more on that issue” in his appeal. Dkt. 41, at 3. But Williams’s raising the restraints issue in his appeal is irrelevant. Prison regulations require inmates to raise issues by first filing a grievance at the institution level, so issues raised for the first time on appeal are not properly exhausted.

See Wis. Admin. Code §§ DOC 310.07(1), 310.09(1); *Berg v. Babcock*, No. 18-cv-842-jdp, 2020 WL 869170, at *2 (W.D. Wis. Feb. 21, 2020). Williams did not fairly raise the restraints issue in his September 16 grievance, so he did not exhaust his administrative remedies for those claims. CONCLUSION Williams did not exhaust his administrative remedies for his claims based on defendants’ failure to put him in soft restraints, so I will grant defendants’ motion for partial summary judgment on those claims.

These are the only claims against defendants Sullivan, Krasovek, Genske, Rewey, Morgan, and English, so I will dismiss them from the case. Dismissals for failure to exhaust are always without prejudice, *Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004), although it is probably too late for Williams to properly exhaust his restraints claims. This case will proceed on Williams’s Eighth Amendment and Wisconsin-law negligence claims against Roen, Wilson, Young, Hibma, Hinton, and Strehlow based on their alleged failure to prevent Williams from overdosing and failure to provide him with prompt medical care after he overdosed.

ORDER IT IS ORDERED that: 1. Defendants’ motion for partial summary judgment, Dkt. 36, and defendant Gina Strehlow’s motion to join, Dkt. 40, are GRANTED. 2. Plaintiff Jovan Williams’s claims against defendants Sullivan, Krasovek, Genske, Rewey, Morgan, and English are DISMISSED without prejudice. 3. Defendants Sullivan, Krasovek, Genske, Rewey, Morgan, and English are DISMISSED from the case.

4. Defendants’ motion to stay discovery, Dkt. 42, and plaintiff’s motion for a status update on partial summary judgment, Dkt. 57, are DENIED as moot. Entered February 17, 2026. BY THE COURT: /s/ _____ JAMES D. PETERSON District Judge