

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Sanquez Deontra Bivens v. Officer Melanie Patterson

Bivens · No. 2:24-CV-703-WKW · Decided April 21, 2026

SUMMARY

The United States District Court for the Middle District of Alabama dismissed Sanquez Deontra Bivens’s 42 U.S.C. § 1983 action against Officer Melanie Patterson without prejudice for failure to exhaust available administrative remedies under the Prison Litigation Reform Act. The court construed the exhaustion portion of the defendant’s summary-judgment motion as an unenumerated Rule 12(b) motion to dismiss and denied the remaining summary-judgment motion as moot. The court alternatively dismissed the action without prejudice for failure to prosecute and comply with court orders.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	April 21, 2026
DOCKET	2:24-CV-703-WKW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action concerning an alleged assault at a detention facility. Defendant moved for summary judgment, arguing among other things that Plaintiff failed to exhaust administrative remedies. The court construed the exhaustion portion of the motion as an unenumerated Rule 12(b) motion to dismiss, granted that motion, dismissed the action without prejudice, and denied the summary-judgment motion as moot.
STANDARD OF REVIEW	For the exhaustion defense, the court applied the Eleventh Circuit’s two-step Turner procedure for an unenumerated Rule 12(b) motion. At the first step, the court accepts the prisoner’s version of conflicting facts as true; if dismissal is not warranted, the court proceeds to the second step and resolves factual disputes by specific findings. The

court also considered dismissal under the district court's inherent authority and Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with court orders.

PRECEDENTIAL VALUE

unpublished and nonprecedential

TOPICS

motions to dismiss

prisoners rights

summary judgment

civil procedure

sanctions

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's § 1983 action was subject to dismissal for failure to exhaust available administrative remedies under the Prison Litigation Reform Act.
2. Whether an exhaustion defense raised in a motion for summary judgment should be treated as an unenumerated Rule 12(b) motion to dismiss.
3. Whether the action should alternatively be dismissed without prejudice for failure to prosecute and failure to comply with court orders.

HOLDINGS

1. The PLRA requires a prisoner to properly exhaust available administrative remedies before bringing an action concerning prison conditions under § 1983. Because the unrefuted record showed that Plaintiff did not use the available detention-facility grievance procedure before filing suit, dismissal without prejudice was required.
2. In the Eleventh Circuit, an exhaustion defense raised in a motion for summary judgment is treated as an unenumerated Rule 12(b) motion to dismiss.
3. Under *Turner*, the court must first consider the parties' factual allegations in the manner favorable to the prisoner and, if dismissal is not warranted at that step, make specific findings resolving exhaustion-related factual disputes before determining whether available remedies were exhausted.
4. A district court may dismiss an action without prejudice under its inherent authority and Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute and disregards court orders.

KEY QUOTATIONS

"No action shall be brought with respect to prison conditions under [42 U.S.C. §] 1983 . . . by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." (Part IV.A.1)

"The unrefuted record thus demonstrates that Plaintiff did not properly exhaust available administrative remedies before seeking relief in federal court." (Part IV.A.3)

FACTUAL BACKGROUND

Plaintiff alleged that on August 22, 2024, while detained at the Montgomery County Detention Facility, Officer Patterson opened a cell occupied by federal inmates who then stabbed Plaintiff and his cellmates with knives. Plaintiff was transported to Jackson Hospital and alleged physical injuries and mental stress. He also alleged that he was wrongfully charged with second-degree assault and promoting prison contraband. The record showed that the facility had an available grievance procedure, Plaintiff had acknowledged receiving the inmate handbook, and the un rebutted evidence indicated that he filed no grievance concerning the incident before commencing suit.

PROCEDURAL HISTORY

Plaintiff filed the action pro se and in forma as an inmate, naming several defendants. The Montgomery County Detention Facility, Montgomery County Sheriff's Department, and Clerk Overton were dismissed on January 8, 2025, leaving Officer Melanie Patterson as the defendant. After Plaintiff failed to respond to discovery, the court granted Defendant's motion to compel and ordered Plaintiff to respond. Plaintiff also failed to respond to Defendant's motion for summary judgment despite a court order directing a response. The court dismissed without prejudice for failure to exhaust administrative remedies and alternatively for failure to prosecute and comply with court orders.

DISPOSITION

dismissed

CASES CITED

- Williams v. McNeil, 557 F.3d 1287, 1290 n.2 (11th Cir. 2009)
- Jeffries v. United States, 748 F.3d 1310, 1314 (11th Cir. 2014) (per curiam)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Woodford v. Ngo, 548 U.S. 81, 88, 93 (2006)
- Perttu v. Richards, 605 U.S. 460, 465, 469, 479 (2025)
- Pavao v. Sims, 679 F. App'x 819, 823 (11th Cir. 2017) (per curiam)
- Jones v. Brock, 549 U.S. 199, 211 (2007)
- Maldonado v. Unnamed Defendant, 648 F. App'x 939, 951 (11th Cir. 2016) (per curiam)
- Bryant v. Rich, 530 F.3d 1368, 1374-75 (11th Cir. 2008)
- Turner v. Burnside, 541 F.3d 1077, 1082-83 (11th Cir. 2008)
- Whatley v. Warden, Ware State Prison, 802 F.3d 1205, 1209 (11th Cir. 2015)
- McGuire-Mollica, 146 F.4th 1308, 1314 (11th Cir. 2025)
- McNair v. Johnson, 143 F.4th 1301, 1306-07 (11th Cir. 2025)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Mingo v. Sugar Cane Growers Co-Op of Fla., 864 F.2d 101, 102 (11th Cir. 1989) (per curiam)

- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)

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