

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Coltin Drew Herzog v. Dylan LaRowe

Herzog · No. 1:24-CV-470-PPS-AZ · Decided February 3, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants Corporal Dylan LaRowe’s motion for summary judgment in Coltin Drew Herzog’s action alleging excessive use of restraints and deprivation of water privileges in violation of the Fourteenth Amendment. The court holds that Herzog failed to exhaust available administrative remedies under the Prison Litigation Reform Act and had not shown that the grievance process was unavailable to him.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	February 3, 2026
DOCKET	1:24-CV-470-PPS-AZ
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action seeking compensatory and punitive damages against a jail officer in his individual capacity. Defendant moved for summary judgment based on failure to exhaust administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court construed the facts and reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	unknown
PARTIES	Coltin Drew Herzog v. Dylan LaRowe

TOPICS

- summary judgment
- affirmative defenses
- prisoners rights
- civil rights
- fourteenth amendment

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether LaRowe was entitled to summary judgment because Herzog failed to exhaust administrative remedies before filing his prisoner civil-rights action.
2. Whether LaRowe's response to Herzog's unrelated August 25 grievance rendered the grievance process unavailable by deterring an objectively ordinary-firmness prisoner from filing a grievance about the July incident.

HOLDINGS

1. Herzog failed to exhaust available administrative remedies because he filed no grievance concerning LaRowe's alleged placement of him in restraints or removal of his water privileges before bringing the action.
2. LaRowe's response to Herzog's unrelated August 25 grievance did not make administrative remedies unavailable because it would not have deterred a person of ordinary firmness from filing a grievance about the July restraints and water-privileges incident.

KEY QUOTATIONS

“Summary judgment must be granted when “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.””

“The law takes a “strict compliance approach to exhaustion.””

“There is no evidence indicating a person of “ordinary firmness” would have interpreted Corporal LaRowe’s response to Herzog’s August 25 grievance as a “threat” and been deterred from filing additional grievances.”

FACTUAL BACKGROUND

Herzog alleged that, after he kicked his cell door in early July 2024, LaRowe placed him in restraints and removed his water privileges for seven days, violating the Fourteenth Amendment. The Dekalb County Jail had an available two-step grievance procedure, and Herzog received the jail handbook describing that procedure. Although Herzog filed more than one hundred grievances, none concerned the restraints or loss of water privileges. Herzog relied on LaRowe's response to a separate August 25 grievance, which stated that protective custody was for Herzog's safety and that the matter would not be discussed again, but Herzog continued filing and exhausting other grievances afterward.

PROCEDURAL HISTORY

Herzog filed suit alleging that Corporal LaRowe used excessive force by placing him in restraints and removing his water privileges for seven days. LaRowe moved for summary judgment, supported by grievance records, the jail handbook, and an affidavit. The court granted summary judgment for LaRowe, directed entry of judgment, and ordered the case closed.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Heft v. Moore, 351 F.3d 278, 282 (7th Cir. 2003)
- Goodman v. National Security Agency, Inc., 621 F.3d 651, 654 (7th Cir. 2010)
- Perez v. Wisconsin Department of Corrections, 182 F.3d 532, 535 (7th Cir. 1999)
- King v. McCarty, 781 F.3d 889, 893 (7th Cir. 2015)
- Henry v. Hulett, 939 F.3d 769 (7th Cir. 2020)
- Lockett v. Bonson, 937 F.3d 1016, 1025 (7th Cir. 2019)
- Woodford v. Ngo, 548 U.S. 81, 102 (2006)
- Ross v. Blake, 578 U.S. 632, 644 (2016)
- Ebmeyer v. Brock, 11 F.4th 537, 543 (7th Cir. 2021)
- Maddox v. Love, 655 F.3d 709, 722 (7th Cir. 2011)
- King v. Dart, 63 F.4th 602, 608 (7th Cir. 2023)
- Bowers v. Dart, 1 F.4th 513, 517 (7th Cir. 2021)
- Wagoner v. Lemmon, 778 F.3d 586, 591 (7th Cir. 2015)

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