

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Michael Lindsey v. Wyatt Weadge, Jake Laxton, Zachary Waldera,
Kalvin Schwartz, Maria Lemieux, Andrew Hulce, Dane Esser, Erica
Collins, and Marlesha Fishnick

Lindsey v. Weadge · No. 23-cv-840-wmc · Decided December 29, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin grants defendants’ motion for summary judgment in Michael Lindsey’s prisoner civil-rights action. The court holds that Lindsey failed to exhaust available administrative remedies under the Prison Litigation Reform Act because his appeal of the dismissal of his inmate complaint was untimely. The court directs the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 29, 2025
DOCKET	23-cv-840-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved for summary judgment on the affirmative defense that plaintiff failed to exhaust available administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. On a PLRA exhaustion defense, defendants bear the burden of showing the absence of a genuine dispute regarding failure to exhaust.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Michael Lindsey v. Wyatt Weadge, Jake Laxton, Zachary Waldera, Kalvin Schwartz, Maria Lemieux, Andrew Hulce, Dane Esser, Erica Collins, Marlesha Fishnick

TOPICS

summary judgment

affirmative defenses

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

civil rights litigation

summary judgment

administrative exhaustion

QUESTIONS PRESENTED

1. Whether defendants established on summary judgment that Lindsey failed to exhaust available administrative remedies under the PLRA by failing to timely appeal the dismissal of his only potentially relevant Wisconsin inmate complaint.
2. Whether failure to complete the required administrative appeal required dismissal of Lindsey's Eighth Amendment and state-law negligence claims.

HOLDINGS

1. Lindsey failed to exhaust available administrative remedies because he did not timely appeal the dismissal of his only potentially relevant inmate complaint within the period required by Wisconsin's Inmate Complaint Review System.
2. Defendants were entitled to summary judgment because there was no factual dispute that Lindsey failed to complete the required administrative appeal and therefore failed to exhaust his claims.

KEY QUOTATIONS

“The Seventh Circuit applies a “strict compliance approach to exhaustion,” Dole, 438 F.3d at 809, meaning that if a prisoner failed to complete any step in the exhaustion process before bringing his lawsuit, the court must dismiss his claims.”

“Having failed to complete this step in the exhaustion process, the court must dismiss plaintiff’s claims.”

FACTUAL BACKGROUND

Lindsey alleged that on January 6, 2022, prison staff failed to prevent or intervene while he repeatedly cut himself with a staple and a tube of cream. He filed one potentially relevant inmate complaint with the Wisconsin Secure Program Facility on January 18, 2022, which the Reviewing Authority dismissed after the inmate complaint process referred the misconduct allegations for investigation. Lindsey did not appeal until March 8, 2022, after the applicable February 15 deadline, and the appeal was received by the Corrections Complaint Examiner on March 14, 2022. The appeal was rejected as untimely, and Lindsey did not establish good cause for the delay.

PROCEDURAL HISTORY

Lindsey was granted leave to proceed on Eighth Amendment and Wisconsin state-law negligence claims arising from alleged failures to prevent or intervene in his self-harm. Defendants moved for summary judgment, arguing that Lindsey failed to timely appeal the dismissal of his only potentially relevant inmate complaint and

alternatively failed to provide adequate notice of claims against several defendants. The court granted summary judgment on the exhaustion ground, directed entry of judgment, and ordered the case closed.

DISPOSITION

dismissed

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)
- Jackson v. Esser, 105 F.4th 948, 959 (7th Cir. 2024)
- Dole v. Chandler, 438 F.3d 804, 808-09 (7th Cir. 2006)
- Thornton v. Snyder, 428 F.3d 690, 694 (7th Cir. 2005)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Perez v. Wis. Dep't of Corrs., 182 F.3d 532, 535 (7th Cir. 1999)
- Farina v. Anglin, 418 F. App'x 539, 543 (7th Cir. 2011)
- Booth v. Churner, 532 U.S. 731, 739 (2001)