

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
INDIANA, SOUTH BEND DIVISION

Gaulden v. Marthakis, et al.

Gaulden · No. 3:25-CV-667-PPS-JEM · Decided April 14, 2026

SUMMARY

The court rules on cross-motions for summary judgment in a prisoner civil-rights action concerning alleged deliberate indifference to an H. pylori infection and unsanitary conditions of confinement. It denies the defendants' exhaustion-based motion regarding the medical-treatment and injunctive-relief claims, denies the plaintiff's motion for summary judgment, and grants summary judgment to the state defendants on the conditions-of-confinement claim. The court dismisses Assistant Warden Buss and allows the remaining claims to proceed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Indiana, South Bend Division                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Philip P. Simon                                                                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Northern District of Indiana, South Bend Division                                                                                                                                                                                                                                                                                                        |
| DECIDED               | April 14, 2026                                                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | 3:25-CV-667-PPS-JEM                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Defendants moved for summary judgment based on failure to exhaust administrative remedies. Plaintiff filed his own motion for summary judgment. The court granted the State Defendants' motion as to the conditions-of-confinement claim, denied it as to the injunctive-relief claim, denied the Medical Defendants' motion, denied Plaintiff's motion, and dismissed Assistant Warden Buss. |
| 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 construes facts and reasonable inferences in favor of the nonmoving party. Failure to exhaust administrative remedies is an affirmative defense that defendants bear the burden of proving.                                     |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                                                                                                                                       |

## PARTIES

Billye D. Gaulden, Sr. v. N. Marthakis, Diane Thews, Ron Neal, Dawn Buss

## TOPICS

summary judgment

prisoners rights

section 1983

civil rights

affirmative defenses

## PRACTICE AREAS

prisoner civil rights

civil procedure

summary judgment

administrative exhaustion

## QUESTIONS PRESENTED

1. Whether the Medical Defendants proved that Gaulden failed to exhaust available administrative remedies before filing his claims concerning treatment for his H. pylori infection.
2. Whether Gaulden exhausted available administrative remedies for his official-capacity claim seeking injunctive relief concerning treatment for his H. pylori infection.
3. Whether Gaulden exhausted available administrative remedies for his conditions-of-confinement claim concerning contaminated water and unsanitary conditions.
4. Whether Gaulden was entitled to summary judgment based on his assertion that he exhausted administrative remedies.

## HOLDINGS

1. The Medical Defendants did not establish that Gaulden failed to exhaust available administrative remedies before filing suit. Because the grievance office failed to respond to his grievance and subsequent notices, Gaulden exhausted all remedies that were available to him as of the filing date.
2. The State Defendants failed to establish that Gaulden had an available administrative remedy that he did not exhaust for his claim seeking injunctive relief concerning treatment for his H. pylori infection.
3. Gaulden failed to exhaust available administrative remedies for his conditions-of-confinement claim, and summary judgment was warranted for the State Defendants on that claim.
4. Gaulden's motion for summary judgment was denied because it improperly sought judgment based on exhaustion, which is an affirmative defense raised by defendants.

## KEY QUOTATIONS

*“The availability of a remedy is not a matter of what appears “on paper,” but rather whether the process was actually available for the prisoner to pursue.”*

*“This means the State can’t play games with administrative remedies.”*

*“Anything that occurred after he filed this lawsuit is not relevant to the exhaustion analysis.”*

## FACTUAL BACKGROUND

Gaulden was incarcerated at Indiana State Prison, where an Offender Grievance Process required a formal grievance followed by Level I and Level II appeals. He submitted Grievance 223365 on April 22, 2025, concerning alleged failures to test and treat him for H. pylori and Legionella, but received no timely receipt or response despite repeated written notices to the Grievance Specialist. The grievance office did not log the grievance or send a receipt until August 6, 2025, after Gaulden filed this lawsuit on July 3, 2025. Gaulden admitted that he had not filed a formal grievance concerning the alleged unsanitary conditions in his cell.

## PROCEDURAL HISTORY

Gaulden, a prisoner proceeding without counsel, brought Eighth Amendment claims concerning alleged deliberate indifference to an H. pylori infection, prospective injunctive relief, and unsanitary conditions of confinement. The State Defendants and Medical Defendants moved for summary judgment, arguing that Gaulden failed to exhaust available administrative remedies. The court determined that administrative remedies were exhausted or unavailable for the medical-treatment and injunctive-relief claims, but that Gaulden failed to exhaust the conditions-of-confinement claim.

## 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)
- Lockett v. Bonson, 937 F.3d 1016, 1025 (7th Cir. 2019)
- Woodford v. Ngo, 548 U.S. 81, 102 (2006)
- Kaba v. Stepp, 458 F.3d 678, 684 (7th Cir. 2006)
- Dole v. Chandler, 438 F.3d 804, 809 (7th Cir. 2006)
- Mayberry v. Schlarf, No. 3:23-CV-64-JD-JEM, 2024 WL 4274856, at \*3 (N.D. Ind. Sept. 24, 2024)