

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION

Jeffery L. Anderson v. Joseph T. Hernandez, et al.

Anderson · No. 1:23-cv-00201-SNLJ · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri denied defendants’ motion for summary judgment on the affirmative defense of failure to exhaust administrative remedies in Jeffery L. Anderson’s 42 U.S.C. § 1983 action concerning an alleged delay in providing psychotropic medication. The court held that disputed facts regarding the availability of the jail’s grievance process created a genuine issue of material fact. The court deferred ruling on qualified immunity pending resolution of exhaustion and directed defendants either to brief the effect of *Perttu v. Richards* or withdraw the exhaustion defense.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
WRITING FOR THE COURT	Stephen N. Limbaugh, Jr.
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	December 5, 2025
DOCKET	1:23-cv-00201-SNLJ
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 deliberate-indifference action against jail officials. Defendants moved for summary judgment on the affirmative defenses of failure to exhaust administrative remedies and qualified immunity.
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 views the evidence and reasonable inferences in the light most favorable to the nonmoving party. Defendants bear the burden of proving failure to exhaust as an affirmative defense.
PRECEDENTIAL VALUE	unpublished district-court memorandum and order; persuasive only

PARTIES

Jeffery L. Anderson v. Joseph T. Hernandez, et al.

TOPICS

summary judgment

affirmative defenses

qualified immunity

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on the PLRA affirmative defense of failure to exhaust administrative remedies.
2. Whether the undisputed record permitted summary judgment on defendants' qualified-immunity defense to Anderson's § 1983 deliberate-indifference claim.
3. Whether disputed facts concerning exhaustion must be resolved by the court or by a jury when the exhaustion issue may be intertwined with the merits of the underlying claim.

HOLDINGS

1. Defendants were not entitled to summary judgment on the failure-to-exhaust defense because Anderson's testimony that he did not know of the grievance process and could not have used it due to mental instability created a genuine dispute of material fact concerning whether administrative remedies were available.
2. The court deferred ruling on qualified immunity until the exhaustion issue was resolved.
3. If defendants pursue the exhaustion defense, the parties must address whether *Perttu v. Richards* requires a jury trial because the exhaustion issue may be intertwined with a genuine dispute concerning the merits; if defendants waive exhaustion, the court will then rule on qualified immunity.

KEY QUOTATIONS

“This testimony is sufficient to create a genuine issue of material fact about the availability of the grievance process.”

“As a result, defendants are not entitled to summary judgment based on failure to exhaust administrative remedies.”

“However, until the matter of exhaustion is resolved, the Court cannot render a decision on the defendants’ motion on the merits.”

FACTUAL BACKGROUND

Anderson was a pretrial detainee at the Scott County Jail in Missouri and alleged that defendants were deliberately indifferent to his serious medical needs by delaying his psychotropic medication from February 4 through February 19, 2019. The jail had a grievance procedure permitting inmates to submit grievances through

a kiosk or complaint form, but Anderson testified that he did not know the procedure existed and would have been unable to use it because of mental instability caused by not receiving his medication. He did not file a grievance and had no personal knowledge of defendants' involvement in the medication delay or medical evidence concerning any detrimental effect.

PROCEDURAL HISTORY

After screening under 28 U.S.C. § 1915A, plaintiff proceeded on a claim that defendants delayed his psychotropic medication from February 4 to February 19, 2019. Following discovery, defendants moved for summary judgment. The court denied summary judgment on failure to exhaust because a genuine dispute existed concerning the availability of the grievance process, deferred ruling on qualified immunity, and ordered defendants either to brief the effect of *Perttu v. Richards* or withdraw the exhaustion defense.

DISPOSITION

other

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Allard v. Baldwin*, 779 F.3d 768, 771 (8th Cir. 2015)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Farver v. McCarthy*, 931 F.3d 808, 811 (8th Cir. 2019)
- *Beck v. Skon*, 253 F.3d 330, 333 (8th Cir. 2001)
- *Porter v. Nussle*, 534 U.S. 516, 524 (2002)
- *Porter v. Sturm*, 781 F.3d 448, 451-52 (8th Cir.)
- *Woodford v. Ngo*, 548 U.S. 81, 88 (2006)
- *Jones v. Bock*, 549 U.S. 199, 218 (2007)
- *Ross v. Blake*, 578 U.S. 632, 633, 639, 643-44, 648 (2016)
- *Smith v. Andrews*, 75 F.4th 805, 809 (8th Cir. 2023)
- *Townsend v. Murphy*, 898 F.3d 780, 783 (8th Cir. 2018)
- *Perry v. Precythe*, 121 F.4th 711, 714 (8th Cir. 2024)
- *Lyon v. Vande Krol*, 305 F.3d 806, 809 (8th Cir. 2002)
- *Dean v. Bearden*, 79 F.4th 986, 988 (8th Cir. 2023)
- *Burns v. Cole*, 18 F.4th 1003, 1007 (8th Cir. 2021)
- *Jackson v. Nixon*, 747 F.3d 537, 543 (8th Cir. 2014)
- *Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990)
- *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997)
- *Jones v. City of St. Louis*, 104 F.4th 1043, 1050 (8th Cir. 2024)
- *Boyd v. Knox*, 47 F.3d 966, 968 (8th Cir. 1995)
- *Corwin v. City of Independence*, 829 F.3d 695, 698-99 (8th Cir. 2016)

- Smith v. Lisenbe, 73 F.4th 596, 600 (8th Cir. 2023)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Coleman v. Rahija, 114 F.3d 778, 785 (8th Cir. 1997)
- Cheeks v. Belmar, 80 F.4th 872, 878 (8th Cir. 2023)
- Hancock v. Arnott, 39 F.4th 482, 487 (8th Cir. 2022)
- Jackson v. Riebold, 815 F.3d 1114, 1120 (8th Cir. 2016)
- Benjamin v. Ward County, 632 F. App'x 301 (2016)
- Pinder v. McDowell, 714 F. App'x 612 (2018)
- Lee v. Willey, 789 F.3d 673, 677 (6th Cir. 2015)
- Carbajal v. McCann, 808 F. App'x 620, 639 (10th Cir. 2020)
- Walther v. Habtermariam, No. 22-2764, 2023 WL 179889, at *1 (8th Cir. Jan. 13, 2023)
- Boyd v. Rechcigl, 790 F. App'x 53 (8th Cir. 2020)
- Martinez v. Fields, 627 F. App'x 573, 574 (8th Cir. 2015)
- Marsh v. Reckert, 4:23-cv-00128-SPM, 2025 WL 1928608 (E.D. Mo. July 14, 2025)
- Covington v. Stuckey-Parchmon, 4:18-cv-01667-SEP, 2021 WL 3856554 (E.D. Mo. Aug. 27, 2021)
- Walther v. Habtemariam, 4:17-cv-2705-SPM, 2022 WL 2915566 (E.D. Mo. July 25, 2022)
- Perttu v. Richards, 605 U.S. 460, 467-68, 479 (2025)