

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

James P. Abrams v. David Paul, Warden, et al.

Abrams · No. 5:25-cv-00285-GFVT · Decided May 19, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants the defendants’ converted motion for summary judgment in James P. Abrams’s civil-rights action alleging deliberate indifference to serious medical needs. The court concludes that Abrams failed to exhaust available Bureau of Prisons administrative remedies and dismisses the claims without prejudice; his motion to amend is denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	May 19, 2026
DOCKET	5:25-cv-00285-GFVT
DISPOSITION	dismissed
PROCEDURAL POSTURE	The defendants moved to dismiss the plaintiff's civil-rights complaint for failure to exhaust administrative remedies. Because the defendants relied on material outside the pleadings, the court converted the motion to one for summary judgment under Federal Rule of Civil Procedure 12(d).
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The evidence and reasonable inferences are viewed in favor of the nonmoving party, without weighing evidence or making credibility determinations. In the exhaustion context, defendants must prove the affirmative defense by a preponderance of the evidence and must show that no reasonable jury could disbelieve the evidence establishing nonexhaustion.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status not stated

PARTIES

James P. Abrams v. David Paul, Warden, et al.

TOPICS

summary judgment

exhaustion of remedies

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

administrative exhaustion

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because Abrams failed to fully exhaust available BOP administrative remedies before filing his civil-rights claims.
2. Whether Abrams's exhaustion obligation was excused because his pursuit of administrative remedies was allegedly intertwined with his substantive claims.
3. Whether the BOP administrative remedy process was unavailable because the Regional Office rejected Abrams's grievances as non-sensitive or because the process was opaque, a dead end, or obstructed by prison officials.

HOLDINGS

1. Defendants were entitled to summary judgment because there was no genuine dispute of material fact that Abrams failed to fully exhaust his available administrative remedies before filing suit.
2. Abrams's exhaustion obligation was not excused on the ground that his pursuit of administrative remedies was intertwined with his deliberate-indifference claims.
3. The rejection of Abrams's grievances as non-sensitive did not excuse exhaustion because he failed to use the available procedures to appeal the rejection to the General Counsel or submit the grievances to the Warden.
4. Abrams did not establish that administrative remedies were unavailable because the process was opaque, operated as a dead end, or was thwarted by machination, intimidation, or misrepresentation.

KEY QUOTATIONS

“There is no question that exhaustion is mandatory under the PLRA and that unexhausted claims cannot be brought in court.” (Section II)

“To satisfy the exhaustion requirement, the inmate must fully comply with the relevant agency’s “deadlines and other critical procedural rules.”” (Section II)

“Because there is no genuine dispute of material fact that the plaintiff failed to exhaust his available administrative remedies” (Section II)

FACTUAL BACKGROUND

Abrams is incarcerated at the Federal Medical Center in Lexington, Kentucky, where he alleged that prison officials were deliberately indifferent to his serious medical needs. BOP records showed that he submitted nine administrative remedy requests or appeals; three concerned compassionate release and the remaining six concerned retaliation, shackles, or medical issues. Each of the six relevant submissions was rejected for procedural defects, including submission at the wrong level, use of the wrong form, failure to qualify as sensitive, inclusion of multiple remedies, or mismatch between an appeal and the underlying response. After the Regional Office rejected his grievances as non-sensitive, Abrams did not appeal to the General Counsel or resubmit them to the Warden.

PROCEDURAL HISTORY

Abrams, a federal prisoner proceeding without counsel, filed claims alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment. Defendants moved to dismiss, asserting failure to exhaust under the Prison Litigation Reform Act. After converting the motion to summary judgment and permitting Abrams to submit additional exhaustion-related materials, the court granted summary judgment to defendants, denied Abrams's motion to amend as moot, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Jones v. Bock, 549 U.S. 199, 211 (2007)
- Woodford v. Ngo, 548 U.S. 81, 90 (2006)
- Scott v. Harris, 550 U.S. 372, 378 (2007)
- Shumate v. City of Adrian, Mich., 44 F.4th 427, 438 (2022)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986)
- Adams v. Metiva, 31 F.3d 375, 378 (6th Cir. 1994)
- Lamb v. Kendrick, 52 F.4th 286, 292 (6th Cir. 2022)
- Morgan v. Trierweiler, 67 F.4th 362, 366 (6th Cir. 2023)
- Risher v. Lappin, 639 F.3d 236, 240 (6th Cir. 2011)
- Perttu v. Richards, 605 U.S. 460 (2025)
- Collier v. Nigorni, No. 1:25-cv-80, 2026 WL 1024458, at *5 (W.D. Mich. Mar. 20, 2026)
- Ali v. Washington, No. 25-10846, 2026 WL 745261, at *10 (E.D. Mich. Feb. 19, 2026)
- Williams v. White, 724 F. App'x 380, 383 (6th Cir. Feb. 7, 2018)

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