

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Tommie Lee Smith v. Williams, et al.

Smith v. Williams · No. 2:26-CV-96-PPS-AZ · Decided March 12, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismissed Tommie Lee Smith’s prisoner civil-rights complaint under 28 U.S.C. § 1915A. The court held that Smith failed to exhaust available administrative remedies before filing suit and that amendment would be futile because the action was legally frivolous.

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	March 12, 2026
DOCKET	2:26-CV-96-PPS-AZ
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner proceeding pro se filed a 42 U.S.C. § 1983 complaint. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it before service because Smith admitted that he had not used the available jail grievance process before filing suit.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A to determine whether the prisoner complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unknown

TOPICS

- prisoners rights
- section 1983
- civil procedure
- affirmative defenses

PRACTICE AREAS

- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

1. Whether a prisoner complaint must be dismissed when the complaint shows that the plaintiff failed to exhaust available administrative remedies before filing suit.
2. Whether a perceived futility of the prison grievance process excuses the exhaustion requirement under 42 U.S.C. § 1997e(a).
3. Whether the plaintiff should be granted leave to amend when the prefiling failure to exhaust cannot be cured by amendment.

HOLDINGS

1. A prisoner suit concerning prison conditions filed before available administrative remedies are exhausted must be dismissed; the court may not resolve the merits even if the prisoner later exhausts remedies while the case is pending.
2. There is no futility exception to the exhaustion requirement; exhaustion is required even when the prisoner believes the administrative process will not provide the requested relief or will be ineffective.
3. Leave to amend may be denied as futile when the action is legally barred because the prisoner failed to exhaust administrative remedies before filing.

KEY QUOTATIONS

“Because he did not try to use the grievance process, Smith had not exhausted his administrative remedies when he signed and filed the complaint.” (at 2)

“For these reasons, this case is DISMISSED under 28 U.S.C. § 1915A as legally frivolous because he did not exhaust his administrative remedies before filing this case.” (at 3)

FACTUAL BACKGROUND

Smith, a prisoner at or concerning the Lake County Jail, brought claims arising from events on February 3, 2026. He acknowledged that the jail had a grievance system applicable to his claims but did not file a grievance because he believed the process would be futile since Defendant Sgt. Anderson operated the grievance system and presided over disciplinary hearings. He therefore filed suit without attempting to use the available grievance process.

PROCEDURAL HISTORY

Smith filed a complaint concerning events at the Lake County Jail on February 3, 2026. During mandatory prisoner-complaint screening, the court determined from the complaint itself that he had not exhausted available administrative remedies. The court dismissed the action as legally frivolous under 28 U.S.C. § 1915A and denied leave to amend as futile.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Booth v. Churner, 532 U.S. 731, 741 n.6 (2001)
- Dole v. Chandler, 438 F.3d 804, 808-809 (7th Cir. 2006)
- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- King v. McCarty, 781 F.3d 889, 893 (7th Cir. 2015)
- Early v. Bankers Life and Cas. Co., 959 F.2d 75, 79 (7th Cir. 1992)
- Perez v. Wisconsin Dep't of Corr., 182 F.3d 532, 535 (7th Cir. 1999)
- Chambers v. Sood, 956 F.3d 979, 984-85 (7th Cir. 2020)
- Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018)
- Russell v. Zimmer, Inc., 82 F.4th 564, 572 (7th Cir. 2023)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND
DIVISION TOMMIE LEE SMITH, Plaintiff, v. CAUSE NO. 2:26-CV-96-PPS-AZ WILLIAMS,
et al., Defendants. OPINION AND ORDER Tommie Lee Smith, a prisoner without a lawyer, filed
a complaint raising claims about events which happened at the Lake County Jail on February 3,
2026. ECF 1. “A document filed pro se is to be liberally construed, and a pro se complaint,
however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted
by lawyers.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted).

Nevertheless, under 28 U.S.C. § 1915A, I must review the merits of a prisoner complaint and
dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be
granted, or seeks monetary relief against a defendant who is immune from such relief. Federal law
provides that “[n]o action shall be brought with respect to prison conditions under section 1983...
until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a).

Smith explains there was a grievance system at the Lake County Jail that he could have used to
complain about the claims raised in this complaint, but he did not file a grievance because, “The
grievances are ran by (Defendant #6 Sgt. Anderson).

The same officer that is the head of the disciplinary hearings.” ECF 1 at 8. What Smith is saying is
that he did not file a grievance because he believed it would have been futile, but there is no
futility exception to the exhaustion requirement. See Booth v. Churner, 532 U.S. 731, 741, n.6
(2001). “Exhaustion is necessary even if the prisoner is requesting relief that the relevant
administrative review board has no power to grant, such as monetary damages, or if the prisoner
believes that exhaustion is futile.

The sole objective of [42 U.S.C.] § 1997e(a) is to permit the prison’s administrative process to run
its course before litigation begins.” Dole v. Chandler, 438 F.3d 804, 808-809 (7th Cir. 2006)

(cleaned up, emphasis added).

To exhaust remedies, “a prisoner must file complaints and appeals in the place, and at the time, the prison’s administrative rules require.” *Id.* (citing *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002)). Because he did not try to use the grievance process, Smith had not exhausted his administrative remedies when he signed and filed the complaint. “Failure to exhaust is an affirmative defense that a defendant has the burden of proving.” *King v. McCarty*, 781 F.3d 889, 893 (7th Cir.

2015). Nevertheless, “a plaintiff can plead himself out of court. If he alleges facts that show he isn’t entitled to a judgment, he’s out of luck.” *Early v. Bankers Life and Cas. Co.*, 959 F.2d 75, 79 (7th Cir. 1992) (citations omitted). Such is the case here. “[A] suit filed by a prisoner before administrative remedies have been exhausted must be dismissed; the district court lacks discretion to resolve the claim on the merits, even if the prisoner exhausts intra-prison remedies before judgment.” *Perez v. Wisconsin Dep’t of Corr.*, 182 F.3d 532, 535 (7th Cir.

1999) (emphasis added); see also *Chambers v. Sood*, 956 F.3d 979, 984-85 (7th Cir. 2020). Dismissal is harsh, but I cannot grant him any relief in this case. “The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir.

2018). “District courts, however, have broad discretion to deny leave to amend a complaint where the amendment would be futile.” *Russell v. Zimmer, Inc.*, 82 F.4th 564, 572 (7th Cir. 2023). Because it is legally frivolous to file a case that must be dismissed, it would be futile to grant Smith leave to amend.

For these reasons, this case is DISMISSED under 28 U.S.C. § 1915A as legally frivolous because he did not exhaust his administrative remedies before filing this case. SO ORDERED. ENTERED: March 12, 2026. /s/ Philip P. Simon PHILIP P. SIMON, JUDGE UNITED STATES DISTRICT COURT