

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Royal Summers v. Erin Dunahay, Elizabeth Tegels, Casey Jensen,
Jeremiah Curtis, Kristine Smetana, James Nyhus, Nicholas Klimpke,
and Blake Weikel

Summers v. Dunahay · No. 25-cv-324-wmc · Decided February 17, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied defendants’ motion for partial summary judgment based on Royal Summers’s alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court held that, although Summers’s grievance concerning an April 7, 2023 attack was filed outside the ordinary 14-day period, prison officials addressed the merits of his allegations, and the record did not establish that his appeal was untimely. The court therefore concluded that defendants failed to prove nonexhaustion.

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	February 17, 2026
DOCKET	25-cv-324-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for partial summary judgment under the Prison Litigation Reform Act, arguing that plaintiff failed to exhaust administrative remedies concerning an April 2023 prisoner attack.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. Defendants bore the burden of proving failure to exhaust administrative remedies.
PRECEDENTIAL VALUE	unpublished district court opinion; nonprecedential

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

Administrative exhaustion

QUESTIONS PRESENTED

1. Whether defendants established on summary judgment that Summers failed to exhaust administrative remedies for his April 7, 2023 failure-to-protect claim.
2. Whether a grievance satisfies the PLRA exhaustion requirement when prison officials reject it as untimely or procedurally deficient but also address the merits of the inmate's claim.
3. Whether the record conclusively established that Summers untimely appealed the rejection of his grievance.

HOLDINGS

1. Defendants did not meet their burden on summary judgment to prove that Summers failed to exhaust administrative remedies concerning the April 7, 2023 attack.
2. A prison grievance is not rendered nonexhaustive merely because prison officials also identify untimeliness or other procedural defects, where the officials meaningfully address the merits of the inmate's claim.
3. The record did not conclusively establish that Summers's appeal was untimely, and it was unnecessary to resolve the timing issue because prison officials also considered the merits.

KEY QUOTATIONS

“Accordingly, plaintiff’s late filing of his complaint does not doom his claim in this court where the merits were also addressed.” (Opinion, Section II)

“For all of these reasons, defendants have failed to satisfy their burden of proving that plaintiff failed to exhaust his administrative remedies with respect to his claim concerning the April 2023 attack.” (Opinion, Section II)

FACTUAL BACKGROUND

Summers alleged that Jackson Correctional Institution employees failed to protect him from an April 7, 2023 attack by another prisoner, after he had previously reported threats and sought separation from other inmates. He filed an inmate complaint concerning the attack, which prison officials returned and later rejected as untimely, duplicative, and insufficiently supported, but the officials also addressed the merits of his allegations. The reviewing authority affirmed the rejection while expressly stating that the issue had been reviewed despite the filing-time problem.

PROCEDURAL HISTORY

Royal Summers brought Eighth Amendment failure-to-protect claims under 42 U.S.C. § 1983 against employees of Jackson Correctional Institution. Defendants moved for partial summary judgment limited to the exhaustion of administrative remedies for the April 7, 2023 attack. The district court denied the motion, concluding that the prison officials addressed the substance of Summers's grievance despite procedural objections concerning untimeliness and the timing of his appeal.

DISPOSITION

other

CASES CITED

- Pozo v. McCaughtry, 286 F.3d 1022, 1025 (7th Cir. 2002)
- Cannon v. Washington, 418 F.3d 714, 718 (7th Cir. 2005)
- Woodford v. Ngo, 548 U.S. 81, 88-89 (2006)
- Davis v. Mason, 881 F.3d 982, 985 (7th Cir. 2018)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Page v. Inmate Call Sols., No. 21-cv-761-wmc, 2023 WL 7408089, at *1 (W.D. Wis. Nov. 9, 2023)
- Conyers v. Abitz, 416 F.3d 580, 584 (7th Cir. 2005)
- McDaniel v. Meisner, 617 F. App'x 553, 558 (7th Cir. 2015)
- Cole v. Litscher, 343 F. Supp. 2d 733, 740-41 (W.D. Wis. 2004)
- Taylor v. Brown, 787 F.3d 851, 858-59 (7th Cir. 2015)
- Mayfield v. McClure, No. 23-cv-1642, 2024 WL 4534148, at *6 (S.D. Ill. Oct. 21, 2024)