

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Milton Rodriguez v. Daniel Monti, Jonathan Grote, Barbara
Wheeler, Dr. Percy Myers, and Jeffrey Wehking

Rodriguez v. Monti, No. 3:23-cv-02685-SMY (S.D. Ill. Feb. 24, 2026) · No. 3:23-cv-02685-SMY · Decided
February 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied defendants’ motions for summary judgment based on Milton Rodriguez’s alleged failure to exhaust administrative remedies under the Prison Litigation Reform Act. The court held that Rodriguez’s stroke-related physical and mental limitations, hospitalization, and housing in the health care unit rendered the grievance process unavailable to him. The case therefore proceeded on his Eighth Amendment deliberate-indifference claim and his ADA/Rehabilitation Act accommodation claim.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Staci M. Yandle
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 24, 2026
DOCKET	3:23-cv-02685-SMY
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action asserting an Eighth Amendment deliberate-indifference claim and ADA and/or Rehabilitation Act accommodation claims. Defendants moved for summary judgment on the affirmative defense that Plaintiff failed to exhaust administrative remedies under the Prison Litigation Reform Act.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, affidavits, depositions, admissions, and answers to interrogatories show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. On exhaustion, defendants bear the burden of proving that an administrative remedy was available and that the

	prisoner failed to pursue it. When material facts concerning exhaustion are undisputed, no evidentiary hearing is required.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum and order; persuasive but not generally binding beyond the case.
PARTIES	Milton Rodriguez v. Daniel Monti, Jonathan Grote, Barbara Wheeler, Dr. Percy Myers, Jeffrey Wehking

TOPICS

summary judgment

prisoners rights

civil rights

ada / disability

civil procedure

PRACTICE AREAS

Prisoner civil rights

Civil procedure

Exhaustion of administrative remedies

Disability rights

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment because Rodriguez failed to properly exhaust available administrative remedies under the PLRA.
2. Whether Rodriguez's stroke-related physical and mental limitations, lack of access to writing assistance and grievance facilities, and health care unit housing rendered the administrative grievance process unavailable.
3. Whether a Pavey evidentiary hearing was required to resolve the exhaustion issue.

HOLDINGS

1. Defendants were not entitled to summary judgment because they failed to prove that an administrative remedy was available to Rodriguez and that he failed to pursue it.
2. No Pavey hearing was necessary because there were no genuine disputes of material fact concerning exhaustion.

KEY QUOTATIONS

“The PLRA “does not demand the impossible,” so “[r]emedies that are genuinely unavailable or nonexistent need not be exhausted.””

“Here, the undisputed facts lead to the conclusion the grievance process was unavailable.”

“Defendants have not met the burden of proving that an administrative remedy was available to Plaintiff and that he failed to pursue it.”

FACTUAL BACKGROUND

Rodriguez, an Illinois Department of Corrections inmate, alleged that after suffering a stroke at Centralia Correctional Center he was denied medical treatment and accommodations, including housing near the health care unit, physical therapy, and assistance with daily medical lines. For approximately three months after

returning from the hospital, he was housed in the health care unit and allegedly could not lift his head, talk, walk, eat, or write effectively without assistance. He attempted to pursue grievances, but the relevant grievances were late, procedurally incomplete, or not fully appealed through the Illinois grievance system.

PROCEDURAL HISTORY

After screening the First Amended Complaint under 28 U.S.C. § 1915A, Count 1 proceeded against Myers, Wheeler, and Grote, and Count 3 proceeded against Monti in his official capacity; other claims and defendants were dismissed. Defendants raised failure to exhaust as an affirmative defense and filed three motions for summary judgment. The court denied the motions, concluding that Plaintiff's physical and mental limitations and housing in the health care unit rendered administrative remedies unavailable.

DISPOSITION

denied

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Lawrence v. Kenosha Cty., 391 F.3d 837, 841 (7th Cir. 2004)
- Pavey v. Conley, 544 F.3d 739, 742 (7th Cir. 2008)
- Perttu v. Richards, 605 U.S. 460, 464 (June 18, 2025)
- Jackson v. Esser, 105 F.4th 948, 957 (7th Cir. 2024)
- Smallwood v. Williams, 59 F.4th 306, 318 (7th Cir. 2023)
- Doss v. Gilkey, 649 F. Supp. 2d 905, 912 (S.D. Ill. 2009)
- Pavey v. Conley, 663 F.3d 899, 903 (7th Cir. 2011)
- Pozo v. McCaughtry, 286 F.3d 1022, 1024-25 (7th Cir. 2002)
- Ford v. Johnson, 362 F.3d 395, 398 (7th Cir. 2004)
- Ross v. Blake, 578 U.S. 632, 642-44 (2016)
- Pyles v. Nwaobasi, 829 F.3d 860, 864 (7th Cir. 2016)
- Crouch v. Brown, 27 F.4th 1315, 1320 (7th Cir. 2022)
- Wallace v. Baldwin, 55 F.4 535, 543-45 (7th Cir. 2022)
- Ramirez v. Young, 906 F.3d 530, 535 (7th Cir. 2018)
- Hurst v. Hantke, 634 F.3d 409, 412 (7th Cir. 2011)
- Lanaghan v. Koch, 902 F.3d 683, 687-88 (7th Cir. 2018)
- Weiss v. Barribeau, 853 F.3d 873, 874-75 (7th Cir. 2017)