

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Micheal N.B. Attaway v. Darren Galloway and Amanda Smith

Case No. 24-cv-689-RJD (S.D. Ill. Mar. 31, 2026) · No. 24-cv-689-RJD · Decided March 31, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denies as moot the plaintiff’s motion requesting that the Court and defendants purchase books he authored and vacate an evidentiary hearing. The Court declines to reconsider its prior summary judgment ruling on administrative-remedies exhaustion because the plaintiff had an opportunity to present the relevant arguments and evidence before judgment.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Reona J. Daly
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 31, 2026
DOCKET	24-cv-689-RJD
DISPOSITION	other
PROCEDURAL POSTURE	After granting Defendants' motion for summary judgment on administrative-remedy exhaustion, the court considered Plaintiff's post-judgment declaration and motion for judicial notice and related relief.
STANDARD OF REVIEW	Post-judgment reconsideration is not warranted on arguments or evidence that could have been presented before judgment.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- motion for reconsideration
- summary judgment
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether the court should reconsider its grant of summary judgment based on Plaintiff's post-judgment declaration and arguments that could have been presented before judgment.
2. Whether Plaintiff's motion for judicial notice and request for an order requiring the court and Defendants to purchase his books should be granted or denied as moot.

HOLDINGS

1. The court would not reconsider its prior summary-judgment ruling based on arguments and evidence that Plaintiff could have presented before judgment.
2. The motion was denied as moot because Plaintiff had already been given an opportunity to present his arguments at the evidentiary hearing.

KEY QUOTATIONS

"The Court will not reconsider its previous ruling based on arguments and evidence that could have been presented prior to judgment." (2)

"The motion is DENIED AS MOOT." (2)

FACTUAL BACKGROUND

Plaintiff, formerly incarcerated in the Illinois Department of Corrections, alleged that Defendants violated his First Amendment rights at Shawnee Correctional Center. Defendants asserted that Plaintiff failed to exhaust administrative remedies before filing suit. At the evidentiary hearing, Plaintiff testified about the burdens of the prison grievance process but did not offer evidence or arguments establishing that he had exhausted or attempted to exhaust the process, other than asserting in his verified complaint that he had filed grievances.

PROCEDURAL HISTORY

Plaintiff brought a 42 U.S.C. § 1983 action alleging that Defendants violated his First Amendment rights at Shawnee Correctional Center. Defendants moved for summary judgment based on failure to exhaust administrative remedies. Following an evidentiary hearing under *Pavey v. Conley*, the court granted summary judgment. Plaintiff then submitted a declaration and a motion seeking judicial notice and an order requiring the purchase of books, as well as vacation of the hearing; the court declined to reconsider the judgment and denied the motion as moot.

DISPOSITION

other

CASES CITED

- *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008)
- *Sanchelima Int'l, Inc. v. Walker Stainless Equipment Co.*, 920 F.3d 1141, 1146 (7th Cir. 2019)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS) MICHEAL N.B. ATTAWAY,)) Plaintiff,)) Case No. 24-cv-689-RJD v.)) DARREN GALLOWAY and AMANDA) SMITH,)) Defendants.)) ORDER DALY, Magistrate Judge: Plaintiff, formerly incarcerated within the Illinois Department of Corrections, filed this lawsuit pursuant to 42 U.S.C. §1983.

Docs. 1, 24. He alleged that Defendants Darren Galloway and Amanda Smith violated his First Amendment rights at Shawnee Correctional Center. Id. Defendants filed a Motion for Summary Judgment on the issue of administrative remedy exhaustion, contending that Plaintiff failed to exhaust his administrative remedies against them prior to filing suit. Docs. 55. Along with their Motion, Defendants filed a Notice that explained the consequences of failing to respond to their Motion.

Doc. 57. Plaintiff did not file a timely Response, but in his verified Complaint stated that he “filed grievances at all levels of the prison grievance procedure” and “received no response or acknowledgement to those grievance. Doc. 1, p. 5. Consequently, the Court scheduled an evidentiary hearing on the “debatable factual issue” of whether Plaintiff attempted to submit grievances that were lost or ignored by the prison.

Pavey Page 1 of 3 v. Conley, 544 F.3d 739 (7th Cir. 2008). Plaintiff appeared via videoconference at the hearing on June 17, 2025. After being sworn in, the undersigned asked Plaintiff to explain the efforts he made to submit a grievance regarding the issues alleged in this case. Plaintiff testified that the grievance process forces inmates to “double litigate” and places an undue burden on pro se litigants.

He encouraged the undersigned to read his book *The Obliteration of the Gate Keeper* which contains his critique of the Prison Litigation Reform Act. Plaintiff stated that he had no other arguments to make or testimony to offer.

The undersigned subsequently granted Defendants’ Motion for Summary Judgment, noting that no precedential authority allows the undersigned to bypass the exhaustion requirement in this case. Doc. 76. Nearly two weeks after entering judgment in this case, the Court received Plaintiff’s “Declaration under Penalty of Perjury...in Regards to Defendants’ Motion for Summary Judgment” (Doc.

78) and “Motion for Judicial Notice and Request for Order to Purchase Books and Vacate Hearing due to Constitutional Violations” on June 30, 2025 (Doc. 79). The documents are not dated, but it appears that they were mailed prior to the hearing, as Plaintiff asks the Court to cancel the hearing that was set for June 17, 2025. Regarding the declaration, Plaintiff was given the opportunity to

offer testimony and make arguments in response to Defendants' motion at the hearing, and he declined to do so (other than asking the Court to read his book).

The Court will not reconsider its previous ruling based on arguments and evidence that could have been presented prior to judgment. *Sanchelima Int'l, Inc. v. Walker Stainless Equipment Co.*, 920 F.3d 1141, 1146 (7th Cir. 2019).

As for the Motion, Plaintiff asks the Court and Defendants to purchase the books that he has authored and that are for sale on amazon.com regarding his experiences in prison and his belief Page 2 of 3 that the PLRA is unconstitutional.

The motion is DENIED AS MOOT. Plaintiff had the opportunity to present his arguments at the June 17, 2025 hearing. IT IS SO ORDERED. DATED: March 31, 2026 s/ Reona J. Daly Reona J. Daly United States Magistrate Judge Page 3 of 3