NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 09a0199n.06 Filed: March 13, 2009

No. 07-2220

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

EARL LEE SULLIVAN,)	
)	
Plaintiff-Appellant)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
R. KASAJARU, Dr.; RUTH INGRAM,)	EASTERN DISTRICT OF MICHIGAN
Health Care Unit Manager; J. NZUMS, R.N.)	
Nursing Supervisor; GEORGE)	
PRIMASTALLER, Chief Medical Officer,)	
)	
Defendants-Appellees.)	

Before: SILER, COOK, and MCKEAGUE, Circuit Judges.

COOK, Circuit Judge. In this § 1983 case, pro se appellant Earl Sullivan alleges that Michigan Department of Corrections ("MDOC") medical officials and Dr. Radhika Kosaraju¹ (collectively, the "Defendants") acted with deliberate indifference toward his serious medical needs. Specifically, Sullivan claims that the Defendants denied him medication after he filed a grievance narrating blood-pressure problems and difficulty urinating. But because Sullivan failed to name the Defendants in his earlier grievance, the Defendants filed a motion to dismiss, arguing that Sullivan failed to exhaust his administrative remedies as required under then-binding Sixth Circuit law. *See*,

¹Dr. Kosaraju's name is misspelled in the official case caption.

e.g., Burton v. Jones, 321 F.3d 569, 575 (6th Cir. 2003). The district court later denied the motion, citing an intervening Supreme Court case, Jones v. Bock, 549 U.S. 199 (2007), which rejected Sixth Circuit case law interpreting the Prison Litigation Reform Act as requiring a prisoner to identify "in the first step of the grievance process, each individual later named in the lawsuit to properly exhaust administrative remedies." Id. at 205 (citing Burton, 321 F.3d at 575). Notably, at the time the Jones prisoners filed their grievances, MDOC policy required only that they "be as specific as possible," and not that they "identify a particular responsible party." Id. at 218.

The Defendants moved for reconsideration, arguing that when Sullivan filed his grievance, MDOC policy explicitly required him to name each person against whom he grieved. *See* Policy Directive No. 03.02.130 (effective April 28, 2003). Citing the Supreme Court's ruling in *Woodford v. Ngo*, 548 U.S. 81 (2006), which held that "[p]roper exhaustion demands compliance with an agency's deadlines and other critical procedural rules," *id.* at 90, the district court dismissed the case. *See also Jones*, 549 U.S. at 218 ("[I]t is the prison's requirements, and not the PLRA, that define the boundaries of proper exhaustion"). We agree and thus affirm.