

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SANDRA THOMAS

Plaintiff,

v.

CORIZON MEDICAL, DR. GILBERT,
PA MALOOLY, MRS. THOMAS,
BRENT REINKE, and RENEE JAMES

Defendants.

Case No. 4:14-CV-464-BLW

MEMORANDUM DECISION

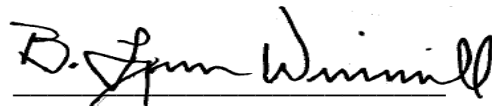
Plaintiff Thomas, an inmate at the Pocatello Women's Correctional Center, filed this action under § 1983 alleging that jail officials and medical providers were deliberately indifferent to her stomach pains while she was imprisoned. She sued Corizon Medical, Dr. Robert Gilbert, Leanne Malooly NP, Kimberly Thomas, Brent Reinke and Renee James. Defendants Reinke and James were dismissed in an earlier decision. *See Initial Review Order (Dkt. No. 7)*.

The remaining defendants filed a motion for summary judgment on April 8, 2016. The Court allowed the parties to do discovery and set a deadline for the plaintiff to file a responsive brief on July 11, 2016. Since that date, the Clerk of the Court has attempted on three occasions to mail material to Thomas but the mail has been returned as undeliverable. Thomas has never filed a response to the motion for summary judgment or filed anything in this case since filing the complaint in October of 2014.

The summary judgment motion and supporting documents establish that Thomas failed to exhaust the grievance procedure set up by the jail. Exhaustion is a mandatory requirement for filing a § 1983 action, and defendants' showing shifts the burden to Thomas to rebut that showing. *See* 42 U.S.C. § 1997e(a); *Woodford v. Ngo*, 548 U.S. 81, 85 (2006). She has failed to carry her burden. Following an independent examination of the motion for summary judgment, the Court finds that it should be granted. The Court will grant the motion in a separate Judgment.



DATED: December 12, 2016


B. Lynn Winmill
Chief Judge
United States District Court