

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DWIGHT THOMAS,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 6798
)	
PERCY COLEMAN, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This 42 U.S.C. §1983 ("Section 1983") action, originally filed pro se by Dwight Thomas ("Thomas"),¹ took quite some time to get all of the named defendants served and in place. When that was done and defendants thereafter filed their Answer to Thomas' Amended Complaint,² this Court issued a sua sponte January 26, 2009 memorandum order directing defendants to flesh out their second Affirmative Defense--a contention that Thomas had failed to exhaust all available administrative remedies, which 42 U.S.C. §1997e(a) makes a precondition to filing his suit.

In response defendants have just filed their Memorandum of Law in Support of Their [sic] Failure To Exhaust Affirmative Defense, which spells out in detail the grievance procedures

¹ Last year this Court appointed trial bar member Andrew Campbell, Esq. to represent Thomas pro bono publico.

² Before the Answer was filed this Court had rejected out of hand an ill-considered Fed. R. Civ. P. 12(b)(6) motion to dismiss that defendants had submitted.

established by the Illinois Department of Corrections
("Department") and reflects that a search of Department's records
had revealed no effort by Thomas to pursue such remedies. From
that submission it would seem most likely that no added discovery
may be called for to address defendants' motion, but this
memorandum order is also issued sua sponte to draw the attention
of attorney Campbell as well as defense counsel to their need to
be prepared to discuss the subject at the forthcoming
February 17, 2009 status hearing.



Milton I. Shadur
Senior United States District Judge

Date: February 10, 2009