

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

THOMAS V. RYBURN,)
v. Plaintiff,)
OFFICER WILLIAMS, etc., et al.,)
Defendants.)
Case No. 14 C 4308

MEMORANDUM ORDER

Assistant Attorney General Jennifer Lutzke has just filed the Answer of codefendant Stephen Williams to the First Amended Complaint brought against that defendant and others by Thomas Ryburn ("Ryburn"). This Court's brief July 9, 2015 memorandum order ("Order") had referred to the confusion credited by the earlier responsive pleading filed by attorney Lutzke that had referred to "defendants" without differentiation in a case that has two defendants named "Williams": both correctional officer Stephen Williams and Stateville Correctional Center Warden Tarry Williams (see Order n.2). Unsurprisingly the current Answer by Officer Stephen Williams has also raised as an affirmative defense ("AD") Ryburn's asserted noncompliance with the exhaustion-of-administrative-remedies requirement established by 42 U.S.C. § 1997e(a).

That subject was addressed by this Court in this fashion in the final paragraph of the Order:

As for AD 2, it asserts Ryburn's failure to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). That too poses factual issues, normally dealt with in a so-called Pavey hearing. But before this Court orders such an evidentiary hearing, defense counsel needs to flesh out that contention by providing chapter-and-verse documentation (coupled with whatever brief description may be needed for a full understanding) of the Department's records

on that score. Defense counsel is given until July 30, 2015 to do so, failing which AD 2 will be deemed to have been forfeited.

Because Assistant Attorney General Lutzke, who represents Stephen Williams, has already been well aware of that position through her representation of the other two state defendants in the case (Warden Williams and Officer Jairo Perdomo), what was said in the Order applies here as well. Hence the Assistant Attorney General is given until the same July 30 date to provide the information referred to in the Order, failing which Stephen Williams' AD will be forfeited as well.



Milton I. Shadur
Senior United States District Judge

Date: July 23, 2015