IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RODNEY BLACK, **Plaintiff,** **v.** **ANGELA CRAIN, KIM MARTIN, RONALD GUETERSLOH, and JAMES WILLIS,**[1] **Defendants.**	**Case No. 21-cv-1650-NJR**

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

Plaintiff Rodney Black, an inmate of the Illinois Department of Corrections ("IDOC") who is currently incarcerated at Menard Correctional Center, brings this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. His Amended Complaint alleges that he lacked access to a toilet and shower while in the healthcare unit. He was allowed to proceed on one Eighth Amendment deliberate indifference claim against James Willis, Angela Crain, Kim Martin, and Ronald Guetersloh (Doc. 12, p. 3).

This matter is currently before the Court on a motion for summary judgment filed by James Willis and Kimberly Martin (Docs. 33 and 34). Defendants argue that Black failed to exhaust his administrative remedies against them. Specifically, they point to an emergency grievance dated November 1, 2021, which grieves his lack of access to a toilet,

[1] Defendants Ronald Guetersloh and James Willis have identified themselves by their proper names (Doc. 20). The Clerk of Court is DIRECTED to CORRECT the docket to reflect Defendants' proper names.

sink, and shower while in the healthcare unit. His grievance identified the individuals responsible for placing him in the cell as Rob Jeffreys, Anthony Wills, Angela Crain, and Sergeant Gutenslaw (later identified as Guetersloh) (Doc. 34-1, pp. 5-6). Although deemed not an emergency, Defendants acknowledge that the grievance was fully exhausted (*Id*. at pp. 3-5). Instead, Willis and Martin argue that the grievance fails to include any allegations against them.

In response to the motion, Black acknowledges that his grievance did not identify Willis or Martin (Doc. 36). He also acknowledges that after reviewing the documents, he did not grieve the allegations against Willis and Martin and mistakenly added them as defendants (*Id*.). He further requests that Willis and Martin be removed from the case (*Id*.).

Because it is clear that Black failed to exhaust his claims against Willis and Martin, the motion for summary judgment is **GRANTED**. Willis and Martin are **DISMISSED without prejudice** from the case.

IT IS SO ORDERED.

DATED: November 21, 2022

NANCY J. ROSENSTENGEL
Chief U.S. District Judge