

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

EUGENE WRIGHT)

Plaintiff,)

v.)

DAVID VAUGHN, DEE DEE)
BROOKHART, and JEREMIAH BROWN,)

Defendants.)

Case No. 22-cv-1765--RJD

ORDER

DALY, Magistrate Judge:

This matter comes before the Court on Defendant Brown’s Motion for Summary Judgment on Count 5 regarding the issue of administrative remedy exhaustion. Docs. 56 and 57. Plaintiff filed a Response. Doc. 60. Defendant’s Motion is GRANTED.

Plaintiff’s Claim Against Defendant Brown

Plaintiff, formerly incarcerated within the Illinois Department of Corrections (“IDOC”), alleges that his Constitutional rights were violated at Lawrence Correctional Center (“Lawrence”). He filed this lawsuit pursuant to 42 U.S.C. §1983. In his First Amended Complaint, Plaintiff alleges that “before the start of Ramadan 2022 there was not a chaplain at Lawrence” and therefore the inmates were instructed to send request slips to Assistant Warden Jeremiah Brown if they wanted to participate in Ramadan. Doc. 24, p. 6. Plaintiff complied with this directive, but he did not receive adequate daily calories on his meal tray throughout Ramadan. Plaintiff sent Defendant Brown “a request slip about the issue” but never received a response. Plaintiff also

did not receive a tray for Eid Al Adha.¹ *Id.* Following the Court’s threshold review of Plaintiff’s First Amended Complaint conducted pursuant to 28 U.S.C. 1915A, Plaintiff proceeded on a First Amendment claim against Defendant Brown. Doc. 29.

Plaintiff’s Grievances

Grievance #4-22-235 (Doc. 56-2, pp. 7-10)

On April 23, 2022, Plaintiff submitted the following grievance:

Since the first day of Ramadan, I have been given inadequate portion of food at dinner times. Under both the free exercise clause and RLUIPA in its most elemental form, a prisoner has a clearly established right to a diet consistent with his religious scruples including proper food during Ramadan. Dietary has only been giving single portion of food when it does not send the black kosher trays. For the past five days (April 19-23, 2022), I have only received a styrofoam tray with a small portion of beans. Moslem prisoners participation in Ramadan are to be provided meals that are nutritionally equivalent to the three meals that are provided each day at the regular times. Out of the 22 days I have fast (Ramadan) so far only about seven of the days have I received meals equivalent to the three meals that are provided to the general population.

Relief Requested:

To receive meals consistent with the law. To stop having my peaceful aura broken by placing me in a position where I must engage with staff regarding meal portions, as it mess with my purification. Preserve all video footage [during Ramadan, pm-8pm].

Plaintiff fully exhausted this grievance prior to filing suit.

Grievance 4-22-254 (Doc. 56-3)

On April 26, 2022, Plaintiff submitted the following grievance:

For over a week I have been given a Styrofoam tray with a scoop of cold beans, onions, sometimes carrots, sometimes celery or beets.

¹ Eid al-Adha is “an Islamic religious festival”; in 2022, it was celebrated on July 9 in the United States. <https://www.usatoday.com/story/news/world/2022/07/07/when-is-eid-al-adha-2022/7758936001/> (last accessed Sept. 3, 2024).

What I have not been getting is my Kosher tray. Before Ramadan began I would receive a black Kosher tray along with the styrofoam tray with the same stuff. How is only giving me a Styrofoam tray without my Kosher tray during Ramadan adequate nutrition or not giving me a Kosher tray not a violation of [Illinois law] and my first amendment [rights]. I believe Lawrence staff is trying to starve me to death and everyone here from the Warden on down is aware of what has been done to the Moslems/Muslims population [at] Lawrence.

To allow dietary to serve cold beans for over a week to the Moslems/Muslims who are supposed to receive Kosher trays is a knowing violation of a clearly establish religious right which is to be given a diet consistent with their religion including proper food. Cold bean with sometimes carrots or celery or beets or the combo is not proper food or adequate nutrition.

Relief Requested:

To be given my Kosher trays and adequate nutrition that is equivalent to the three meals general [population] is receiving. For the staff at Lawrence to stop violating [state and federal laws].

Plaintiff fully exhausted this grievance prior to filing suit.

Grievance 7-22-130 (Doc. 56-2, pp. 3-6)

On April 12, 2022, Plaintiff submitted the following grievance:

On July 9, 2022, I was supposed to receive a ceremony Eid tray. I inform the CO that had 3A Saturday on this. Correctional Officer Collins told me he would call dietary to inform them of the matter. When she came back she told me food supervisor Ms. Walker stated because I get Kosher meals I would not receive the EID ceremony trya. I told her I need to talk to the Sgt. Because I was approve to receive the EID ceremony meal. She told me if I had proof to give it to her. I gave her my approved Request for Religious Diet form. She gave it to Lt. Clark (I believe that was his name) and he talked to food supervisor Walker who still refused to honor my approved request for Eid al-Adha. Correctional Officer Collins informed another Moslem/Muslim that food supervisor Walker stated food supervisor Kohn email him telling him any Moslem/Muslim that receive Kosher meals cannot celebrate the Eid this is a clear violation of my rights if true. This is stressful as my religious belief has been violated in some form of fashion each year that I [have] been in Lawrence without any consequence to the vioalter. This is

why George Floyd is dead because people in leadership looked the other way every time. Derek Chauvin violated someone's rights.

Appeal to Grievance Officer 8-4-22

Correctional Officer Collins and Lieutenant Clark can verify I did not receive my EID tray on July 9, 2022. Food supervisor Kohn was not here both C/O Collins and Lieutenant Clark spoke with Food Supervisor Mr. Walker who told them he was not honoring my receiving an EID tray because I get Kosher meals.

Relief Requested

..put some type of policy in place that if staff blatantly disregard rules regulations or approval status that deprives an individual in custody of a right he can no longer receive because of the staff action they automatically get suspended for a week without pay.

Plaintiff fully exhausted this grievance prior to filing suit.

Discussion

Pursuant to 42 U.S.C. § 1997e(a), prisoners are required to exhaust available administrative remedies prior to filing lawsuits in federal court. For inmates within the IDOC, grievances must contain the following requirements:

The grievance shall contain factual details regarding each aspect of the offender's complaint, including what happened, when, where and the name of each person who is the subject of or who is otherwise involved in the complaint. This provision does not preclude an offender from filing a grievance when the names of individuals are not known, but the offender must include as much descriptive information about the individual as possible.

20 ILL. ADMIN. CODE § 504.810(c).

The burden rests with Defendant to establish that Plaintiff failed to exhaust his administrative remedies prior to filing suit. *Smallwood v. Williams*, 59 F. 4th 306, 315 (7th Cir. 2023). Defendant acknowledges that Plaintiff fully exhausted grievances 4-22-235, 4-22-254, and 7-22-130. However, Defendant correctly notes that none of the grievances mention Assistant

Warden Jeremiah Brown. None of the grievances refer to any actions taken by Defendant Brown. According to Plaintiff's First Amended Complaint, he informed Defendant Brown (instead of a Chaplain, because there was no chaplain at Lawrence at that time) that he wanted to participate in Ramadan. Plaintiff also alleges in the First Amended Complaint that he contacted Defendant Brown when he did not receive sufficient calories during Ramadan. However, Plaintiff does not mention this contact in his grievances. Plaintiff also does not mention in the grievances any issue with being allowed to participate in Ramadan. While Plaintiff does reference "everyone here from the Warden on down is aware of what has been done to the Moslems/Muslims population" in grievance #4-22-254, this generalized statement does not alert prison officials of the allegations Plaintiff now raises against Defendant Brown in the First Amended Complaint.

In grievance 7-22-130, Plaintiff informs prison officials that he did not receive a tray for Eid al-Adha. However, within the grievance, Plaintiff also states that food supervisors Walker and Kohn kept him from getting his "approved" tray. The grievance also indicates that Plaintiff had a form that reflected his approval to participate in the Eid al-Adha meal, but food supervisor Walker would not honor it. Nothing in the grievance connects Assistant Warden Brown to actions taken by the food supervisors.

In his Response to Defendants' Motion, Plaintiff states that he fully exhausted a grievance against Assistant Warden Brown in 2021. All of Plaintiff's allegations against Defendant Brown involve events that occurred in 2022, so any grievance submitted in 2021 could not suffice to exhaust Plaintiff's administrative remedies in his First Amended Complaint against Defendant Brown.

Because Plaintiff failed to identify Defendant Brown or actions by Defendant Brown in his 2022 grievances, he failed to exhaust his administrative remedies against him. Defendant

Brown's Motion for Summary Judgment is GRANTED and Plaintiff's claim against Defendant Brown is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to enter judgment at the end of the case.

IT IS SO ORDERED.

DATED: September 4, 2024

s/ Reona J. Daly

Hon. Reona J. Daly
United States Magistrate Judge