

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SHAWN MARSHALL,

Plaintiff,

v.

HYATT,

Defendant.

CAUSE NO. 3:20-CV-811-DRL-MGG

OPINION AND ORDER

Shawn Marshall, a prisoner without a lawyer, moves the court for reconsideration of the court's order granting summary judgment in favor of the defendants. ECF 47. The court granted the defendants' summary judgment motion because the undisputed facts showed Mr. Marshall did not exhaust his administrative remedies before filing suit. ECF 45. Specifically, the undisputed facts showed that (1) Mr. Marshall submitted a grievance on July 9, 2020, which the grievance office properly rejected on July 15 because Mr. Marshall did not complete each part of the grievance form; and (2) Mr. Marshall submitted a revised grievance on July 28, which the grievance office properly rejected as untimely because Mr. Marshall had waited more than five business days to revise and resubmit the grievance. *Id.* at 2-3.

In his motion for reconsideration, Mr. Marshall argues he timely filed his July 9 grievance because it was received by the grievance office on July 13, only seven days after the incident complained of. ECF 47 at 2-3. But this argument does not warrant reconsideration, as the grievance office did not reject Mr. Marshall's July 9 grievance as

untimely, but rather rejected it because Mr. Marshall did not complete each part of the grievance form. *See* ECF 32-2 at 9-10 (to properly submit a grievance, “[e]ach part of the form shall be completed”). Therefore, Mr. Marshall’s assertion that he timely submitted his July 9 grievance does not demonstrate he exhausted his administrative remedies and, thus, does not warrant reconsideration of this court’s order granting summary judgment.

For these reasons, the motion to reconsider (ECF 47) is DENIED.

SO ORDERED.

September 22, 2022

s/ Damon R. Leichty
Judge, United States District Court