

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INSPIRATION BLACKWELL,
Plaintiff,

1:16-cv-5342 (NLH) (AMD)

MEMORANDUM OPINION & ORDER

v.

WARDEN GERALDINE COHEN, et
al.,

Defendants.

APPEARANCES:

Inspiration Blackwell
1161920/160249C
Southern State Correctional Facility
Unit 101-A-Lup/Compound B
4295 Route 47
Delmont, NJ 08314

Plaintiff pro se

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Attorneys for Defendant Geraldine Cohen

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Attorneys for Defendant CFG Health Systems, LLC

HILLMAN, District Judge

WHEREAS, Defendants Geraldine Cohen and CFG Health Systems, LLC have filed motions for summary judgment on Plaintiff Inspiration Blackwell's civil rights action, see ECF Nos. 57 & 58; and

WHEREAS, Defendants have raised the affirmative defense of failure to exhaust administrative remedies in their motions; and

WHEREAS, the Third Circuit has issued a decision in Paladino v. Newsome, 885 F.3d 203 (3d Cir. 2018), requiring District Courts to provide notice and an opportunity to respond before deciding factual disputes, such as exhaustion, on summary judgment; and

THEREFORE, IT IS on this 14th day of April, 2020

ORDERED that the parties are NOTIFIED pursuant to Paladino v. Newsome, 885 F.3d 203 (3d Cir. 2018) and Small v. Camden County, 728 F.3d 265 (3d Cir. 2013) that the Court may resolve factual disputes regarding Plaintiff's exhaustion of administrative remedies as part of Defendants' summary judgment motions; and it is further

ORDERED that the parties may submit any other evidence, such as affidavits or declarations, they wish the Court to consider on the exhaustion issue within 30 days of this Order, Fed. R. Civ. P. 56(e)(1); and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.