

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FREDDIE JAMES MCDUGAL, JR.,

Plaintiff,

v.

Case No. 18-cv-1218-bhl

JANINE MONTOYA, et al.,

Defendants.

DECISION AND ORDER

On January 8, 2021, Defendant Samantha Markwardt filed a motion for summary judgment on the ground that Plaintiff Freddie James McDougal failed to exhaust the available administrative remedies before he initiated this lawsuit. Dkt. No. 90. That same day, Defendant Brandon Decker, who is represented by separate counsel, moved for summary judgment on the same ground. Dkt. No. 93. On January 11, 2021, the Court informed McDougal that his response materials were due on February 8, 2021, and warned him that failure to respond to the motions was sufficient cause for the Court to grant the motions. Dkt. No. 99. The February 8 deadline has come and gone, and McDougal did not oppose Markwardt or Decker's motions for summary judgment. Accordingly, pursuant to Civil L.R. 7(d), the Court will grant the motions and dismiss McDougal's claims against Markwardt and Decker.

This decision does not impact McDougal's claims against Defendants Janine Montoya, Amanda Deberry, and Monique Penn.

IT IS THEREFORE ORDERED that Markwardt's motion for summary judgment for failure to exhaust administrative remedies (Dkt. No. 90) is **GRANTED**.

IT IS FURTHER ORDERED that Decker's motion for summary judgment for failure to exhaust administrative remedies (Dkt. No. 93) is **GRANTED**.

IT IS FURTHER ORDERED that McDougal's claims against Markwardt and Decker are **DISMISSED without prejudice**.

Dated at Milwaukee, Wisconsin this 17th day of February, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge