

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted April 28, 2026*

Decided June 1, 2026

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

Nos. 25-1804, 25-1886, 25-1897, 25-1898,
25-1906, 25-1908, 25-1909, 25-1913 &
25-2135

DAREN E. RIDLEY, et al.,
Plaintiffs-Appellants,

v.

RON NEAL, et al.,
Defendants-Appellees.

Appeals from the United States District
Court for the Northern District of
Indiana, South Bend Division.

Nos. 3:24-CV-32-PPS-JEM, 3:24-CV-26-
PPS-JEM, 3:24-CV-46-PPS-JEM, 3:24-CV-
56-PPS-JEM, 3:24-CV-49-PPS-JEM, 3:24-
CV-48-PPS-JEM, 3:24-CV-35-PPS-JEM,
3:24-CV-264-PPS-JEM & 3:24-CV-54-
PPS-JEM

Philip P. Simon,
Judge.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

After a fire broke out at the Indiana State Prison in Michigan City, Indiana, resulting in the death of one prisoner, many prisoners filed separate lawsuits alleging that prison officials violated the Eighth Amendment by acting with deliberate indifference toward the risks posed by the fire and injuries suffered by inhaling smoke. *See* 42 U.S.C. § 1983. The district court entered summary judgment for the officials in each of these nine cases, concluding that the prisoners failed to exhaust their administrative remedies. Each prisoner appealed, and we consolidated the appeals for decision and now affirm the judgments.

The Indiana Offender Grievance Process in effect at the time[†] set out a three-step procedure that includes filing (1) a formal grievance; (2) a first-level appeal to the warden; and (3) a second-level appeal to the Department of Correction's grievance manager. *See* Ind. Dep't of Corr. Pol'y & Admin. Proc., Offender Grievance Process, No. 00-02-301, § IV (Sept. 1, 2020). Upon the filing of a formal grievance, a grievance specialist will record its submission and provide the prisoner a receipt within ten business days, unless the grievance is rejected for procedural reasons. *Id.* § X. The regulations also provide procedures for emergency grievances, which may be submitted to any staff member to be immediately forwarded to the grievance specialist to be recorded, then to the warden for review within one business day of that recording, with a final decision issuing within five business days of filing. *See id.* § IV(C). If a prisoner does not receive a receipt or a rejection within ten business days of submitting a grievance, the procedures provide that "the offender shall notify the Offender Grievance Specialist of that fact (retaining a copy of the notice)." *Id.* § X. We refer to this feature as the "notification procedure." Even without a decision, a prisoner may appeal as though the grievance has been denied if twenty business days have passed since the grievance specialist received the grievance. *Id.*

In January 2023, a fire ignited in the A-Cell House at the Indiana State Prison. According to their depositions, on the day of the fire each prisoner placed an emergency grievance form in the bars of his cell door for prison staff to pick up. Each testified that unknown staff members collected the emergency grievances, but none of the prisoners received a receipt or response. Although some of the prisoners attested to asking staff about the status of their emergency grievances, they were unable to obtain any information, and none of the prisoners notified the grievance specialist in writing about

[†] Indiana's Offender Grievance Process has since been updated, but that is not relevant here.

the absence of a receipt pursuant to the notification procedure. When some prisoners submitted related, non-emergency grievances a few weeks later, each was returned as untimely or otherwise defective. None of the prisoners filed an administrative appeal from any of their grievances related to the January 2023 fire.

The prisoners each then turned to federal court, alleging in substantially similar complaints that prison officials were deliberately indifferent to their serious medical needs and risk of harm in violation of their rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. The officials moved for summary judgment asserting failure to exhaust, *id.* § 1997e(a), and the district court granted each motion.

The district court concluded that the prisoners failed to comply with the grievance process and thus failed to exhaust available remedies. The regulations had directed them to notify a grievance specialist if they did not receive a receipt and retain a copy of the notice. But the court noted that even accepting the prisoners' testimony that they had submitted initial emergency grievances, the prisoners did not dispute that they did not follow up in writing with staff about the absence of a receipt, consistent with the regulations. The prisoners each appealed.

We review a district court's decision at summary judgment regarding exhaustion *de novo*, viewing the facts in the light most favorable to each plaintiff. *Williams v. Rajoli*, 44 F.4th 1041, 1045 (7th Cir. 2022). Under the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e(a), a prisoner must exhaust "such administrative remedies as are available" before filing a suit about prison conditions. The PLRA imposes a "strict compliance approach to exhaustion." *Lockett v. Bonson*, 937 F.3d 1016, 1025 (7th Cir. 2019) (quoting *Dole v. Chandler*, 438 F.3d 804, 809 (7th Cir. 2006)).

On appeal, the prisoners contend that summary judgment was improper because there were unresolved factual disputes over the availability of administrative remedies. They maintain that prison officials' failure to respond to their emergency grievances, which each prisoner testified to filing in their depositions, rendered the process not "available." *See Ross v. Blake*, 578 U.S. 632, 642 (2016); *Dole*, 438 F.3d at 810.

The district court here assumed that the prisoners each submitted a timely emergency grievance consistent with their deposition testimony, despite the lack of a receipt or subsequent response and appeal. *Cf. Breyley v. Fuchs*, 156 F.4th 845, 846 (7th Cir. 2025) (remanding for evidentiary hearing to resolve factual dispute over whether prisoner timely filed a grievance that never received a response). But even with the benefit of that assumption, the prisoners cannot satisfy the exhaustion requirement,

because they never made “a reasonable inquiry into the reason for the absence of a receipt” pursuant to the notification procedure. *Lockett*, 937 F.3d at 1028. The regulations are clear that prisoners who do not receive a response to their grievance “shall” notify the grievance specialist and keep a copy of the notice, Offender Grievance Process, No. 00-02-301, § X, and the prisoners here did not do so.

The prisoners instead maintain that this notification procedure does not apply to emergency grievances because they are subject to a “separate expedited process.” But as the district court explained, even though the regulations set out a different timeline for *responding* to emergency grievances, they do not exempt prisoners from providing written notice of the lack of a receipt for emergency grievances. Thus the notification procedure and emergency grievance process are entirely compatible. Even were the process ambiguous, the PLRA directs that “the inmate should err on the side of exhaustion.” *Ross*, 578 U.S. at 644. None of the prisoners here even claim to have tried to send written notice to the grievance specialist that they lacked a receipt, and so the district court correctly dismissed their claims for failure to exhaust.

AFFIRMED