

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

SHAUN L. STEELE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:13-cv-00982-JMS-DKL
	)	
WENDY KNIGHT Superintendent, et al.,	)	
	)	
Defendants.	)	

**Entry Discussing Motions Relating to the Failure to Exhaust Administrative Remedies Defense**

**I.**

The motion for summary judgment filed by defendant Fleming [dkt. 76] is **denied** because the plaintiff has provided sufficient evidence to create a genuine issue of material fact as to whether the administrative process was available to him when he attempted to file a grievance on or about November 29, 2013, concerning the November 22, 2013, incident when defendants Flemming and Johnson allegedly denied him the use of the restroom. *See* dkt. 98.

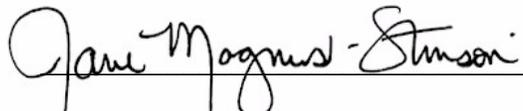
**II.**

The motion for *Pavey* hearing, filed by defendants Superintendent Knight, Matthew Johnson, and Sgt. Peters [dkt. 100] is **granted**. The merits of the failure to exhaust defense will be resolved as to all defendants at the hearing.

The Court will set the *Pavey* hearing and a pretrial conference to prepare for that hearing in a separate Entry in the near future.

**IT IS SO ORDERED.**

Date: October 21, 2015

  
\_\_\_\_\_  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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