

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff,

ORDER

v.

02-C-618-C

GARY R. McCAUGHTRY, GERALD BERGE,
PAULINE BELGADO, SARGENT SIEDOSCHLAG,
PETER HUIBREGTSE, LINDA HODDY-TRIPP,
JIM WEGNER, SARGENT LIND, CAPTAIN JOHN P
GRAHL, SARGENTDAN MEEHAN, CO II MIKE
GLAMAN, and NURSE HOLLY MEIER, PAM BARTELS,
TODD BAST and STEVEN SCHOELER,

Defendants.

In an opinion and order dated May 29, 2003, I granted in part and denied in part defendants' motion to dismiss. Among other things, I dismissed plaintiff's claim that defendants Grahl, Meehan and Glaman retaliated against him by banging his head against the door and denying him medical care for failure to exhaust his administrative remedies. Before the court is a motion filed by plaintiff for "clarification" of that decision, which I construe as a motion for reconsideration. This motion will be denied. As I noted in the May

29 opinion and order, when plaintiff filed his inmate complaint in the prison, he did not address any issues other than a strip search. As a result, defendants had no notice that plaintiff believed he was harmed in another way. In his motion for reconsideration, plaintiff states that his inmate complaint referred to an “attack” by defendants and thus the court should permit him to proceed on a claim that defendants banged his head against the wall. However, the only “attack” noted in the complaint was the strip search. Specifically, plaintiff alleged that defendants performed a strip search that did not comply with state law and that was “an attempt to intimidate [him] and punish [him] for filing a civil suit against members of this administration.” There is nothing in the inmate complaint suggesting that defendants used any force against plaintiff beyond the search itself. Without such information, plaintiff failed to meet the requirements of Strong v. David, 297 F.3d 646, 650 (7th Cir. 2002) (“When the administrative rulebook is silent, a grievance suffices if it alerts the prison to *the nature of the wrong* for which redress is sought.”) (Emphasis added). Therefore, plaintiff failed to exhaust his administrative remedies with respect to his claim that defendants used excessive force against him by repeatedly banging his head against the wall.

ORDER

IT IS ORDERED that plaintiff Harrison Franklin's motion for reconsideration of the May 29, 2003 opinion and order is DENIED.

Entered this 27th day of June, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge