

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

RONALD ROBINSON,

Plaintiff,

v.

WARDEN J.T. O'BRIEN,
COUNSELOR M. KLAWITTER,
COUNSELOR K. ZOOK, CASE
MANAGER M CISKE, UNIT MANAGER
S. ROBINSON, L.T.R.E. ROBINSON,
D.H.O. W.W. SKIDERSKI,

Defendants.

ORDER

03-C-32-C

In this civil action, plaintiff Ronald Robinson, a federal prisoner, alleges that defendants have retaliated against him, refused to separate him from his cell mate and confiscated his property. In an order dated February 13, 2003, I noted that plaintiff alleged in his complaint that his administrative complaints had been dismissed as untimely. As a result, I gave plaintiff until March 3, 2003, in which to inform the court that it had misconstrued his complaint and to show that his claims in this lawsuit were considered administratively on their merits.

In his response, plaintiff alleges that he properly exhausted his administrative remedies. However, the documents plaintiff has attached to his response confirm rather than contradict the conclusion that plaintiff failed to exhaust his administrative remedies. The notice rejecting plaintiff's Administrative Remedy Request states: "Your request is untimely. Institution and CCC requests must be received within 20 days of the event complained about." Plaintiff has attached each of the decisions on appeal, which all upheld this rejection.

It is not surprising that these claims were rejected as untimely, as they appear to be the same claims that plaintiff asserted in Robinson v. O'Brien, 00-C-379-C. Although I dismissed on the merits some of plaintiff's claims in case no. 00-C-379-C, I dismissed plaintiff's retaliation claim for failure to exhaust his administrative remedies. I noted that the deadline for submitting an administrative remedy request is 20 days, but that an extension of this deadline may be allowed when the inmate demonstrates a valid reason for the delay. 28 C.F.R. § 542.14. As plaintiffs' own documents show, however, plaintiff failed to demonstrate any reason for failing to comply with the deadline so his request was rejected.

As I noted in the February 13 order, failure to file a timely administrative complaint bars an inmate from pursuing relief in federal court. See Pozo v. McCaughtry, 286 F.3d 1022, 1024 (7th Cir. 2002) ("Failure to do what the state requires bars, and does not just postpone, suit under § 1983."). Because plaintiff failed to demonstrate a valid reason for the

delay, there is no possibility that he can exhaust his administrative remedies. Accordingly, I will dismiss this case with prejudice.

Plaintiff complains that he is not a lawyer and that he “should be held to less stringent” standards than a lawyer. But one does not need to be a lawyer in order to understand a deadline for filing a grievance. Plaintiff may not like the deadline, but it is beyond this court’s power to give plaintiff an extension. In Pozo, the court of appeals upheld a 10-day time limit as legitimate. If plaintiff wishes to preserve his federal claims, he must file grievances within the time allotted by the regulations.

ORDER

IT IS ORDERED that this case is DISMISSED with prejudice for plaintiff’s failure to exhaust his administrative remedies.

Entered this 4th day of March, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge