

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

GURDIEL SINGH,

Plaintiff,

v.

MEMORANDUM AND ORDER
06-C-641-S

KURT RIEM,

Defendant.

Plaintiff Gurdiel Singh was allowed to proceed on his equal protection claim against defendant Kurt Riem. In his complaint plaintiff alleges that the defendant denied him admission into the Residential Drug Treatment Program at FCI-Oxford.

On February 1, 2007 defendant moved to dismiss plaintiff's complaint for failure to exhaust administrative remedies. Pursuant to this Court's February 5, 2007 scheduling order plaintiff's response to this motion was to be filed not later than February 21, 2007 and has not been filed to date.

FACTS

Plaintiff Gurdiel Singh is currently incarcerated at the camp facility at the Federal Correctional Institution in Oxford, Wisconsin (FCI-Oxford). Defendant Dr. Kurt Riem is the Drug Abuse Program Coordinator (RDAP) at FCI-Oxford.

Dr. Riem denied plaintiff entry into the RDAP program at FCI-Oxford. Plaintiff did not file any administrative remedies challenging this decision.

MEMORANDUM

Defendant moves to dismiss plaintiff's complaint for failure to exhaust his administrative remedies. Pursuant to 42 U.S.C. § 1997e(a), no action shall be brought with respect to prison conditions by a prisoner confined in any jail, prison or other correctional facility until available administrative remedies are exhausted. See Perez v. Wisconsin Department of Corrections, 182 F.3d 532, 535 (7th Cir. 1999).

Plaintiff did not file any administrative remedies concerning the denial of his entry into RDAP. Accordingly, Perez requires dismissal of plaintiff's complaint because he did not exhaust his administrative remedies prior to commencing this action.

ORDER

IT IS ORDERED that defendant's motion to dismiss for plaintiff's failure to exhaust his administrative remedies is GRANTED.

IT IS FURTHER ORDERED that judgment be entered in favor of defendant against plaintiff DISMISSING his complaint without prejudice for his failure to exhaust his administrative remedies.

Entered this 27th day of February, 2007.

BY THE COURT:

S/
JOHN C. SHABAZ
District Judge