

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

BOBBY TORRY,

Plaintiff,

v.

SEAN SALTER,

Defendant.

ORDER

10-cv-378-slc

On June 28, 2011, I granted defendant's motion for summary judgment and dismissed plaintiff Bobby Torry's claim without prejudice because he had failed to exhaust his administrative remedies before filing his federal lawsuit. Plaintiff now moves to vacate that decision, alleging that on August 11, 2011 he exhausted his administrative remedies.

As the court stated in its previous order, under 42 U.S.C. § 1997e(a), a prisoner must exhaust all available administrative remedies *before* filing a lawsuit in federal court. *Dixon v. Page*, 291 F.3d 485, 488 (7th Cir. 2002). Because plaintiff did not exhaust his administrative remedies before filing this lawsuit, he cannot reopen it.

ORDER

IT IS ORDERED that plaintiff Bobby Torry's motion to reopen this case, dkt. 31, is DENIED.

Entered this 29th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge