

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

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LAMONT WALKER,

Plaintiff,

v.

LESLEY BAIRD and C. O. PALMER,

Defendants.

ORDER

10-cv-656-slc

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This case was dismissed without prejudice on May 6, 2011 because plaintiff Lamont Walker failed to exhaust his administrative remedies before filing his lawsuit. Walker quickly appealed this dismissal, but his appeal was dismissed on June 23, 2011 because he did not follow circuit rules. *See* dkt. 43. In July, Walker asked this court to reconsider its dismissal order, dkt. 44, but in August, this court said “No,” *see* dkt. 49. About two weeks later, plaintiff filed an amended complaint, which I will construe as a motion to reopen this case. I am denying this motion.

In his amended complaint, Walker states merely that he “used the prisoner grievance procedure *available*” (emphasis added) and that “Administrative Remedies exhausted.” [*sic*]. *See* dkt. 51 at 4. This seems to be nothing more than Walker’s recharacterization of the same facts that led this court to conclude that Walker had *not* properly exhausted the administrative procedures available to him.

Even if Walker now is alleging that he has taken additional steps that constitute proper exhaustion of his administrative remedies—which is highly doubtful—this would not suffice to reopen this closed case. As stated in a 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). The exhaustion requirement is mandatory, *Woodford v. Ngo*, 548 U.S. 81, 85 (2006), and “applies to all inmate suits,” *Porter v. Nussle*, 534

U.S. 516, 524 (2002). Because Walker did not exhaust his administrative remedies *before* filing this lawsuit, this court must deny his motion to reopen this case.

If Walker wishes to pursue this further, then he will have to file a new lawsuit with a new case number and a new \$350 filing fee.

ORDER

IT IS ORDERED that plaintiff Lamont Walker's motion to reopen this case, dkt. 51, is DENIED.

Entered this 7<sup>th</sup> day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge