

Prison Litigation Reform Act

42 USCS § 1997e

(a) Applicability of administrative remedies.

No action shall be brought with respect to **prison conditions** under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, **by a prisoner** confined in any jail, prison, or other correctional facility until such administrative remedies **as are available** are **exhausted**.

 **Over 350 cases reported on Lexis from the District Courts in the 7th Circuit in last year**

“No action shall be brought”

- Exhaustion must be complete *before* suit is filed.

“with respect to prison conditions”

- [W]e hold that the PLRA's exhaustion requirement applies to all inmate suits about prison life, whether they involve general circumstances or particular episodes, and whether they allege excessive force or some other wrong.
- *Porter v. Nussle*, 534 U.S. 516, 532 (U.S. 2002)

“by an prisoner”

- 42 USCS § 1997e(h) As used in this section, the term "prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

“as are available”

Strict compliance:

- On the forms designated by the prison
- At the times designated by the prison
- With the specificity required by the prison

Procedural default can bar federal claim forever

See, e.g., *Pozo v. McCaughtry*, 286 F.3d 1022, 1023-24 (7th Cir. 2002), *cert. denied* 537 U.S. 949 (2002)

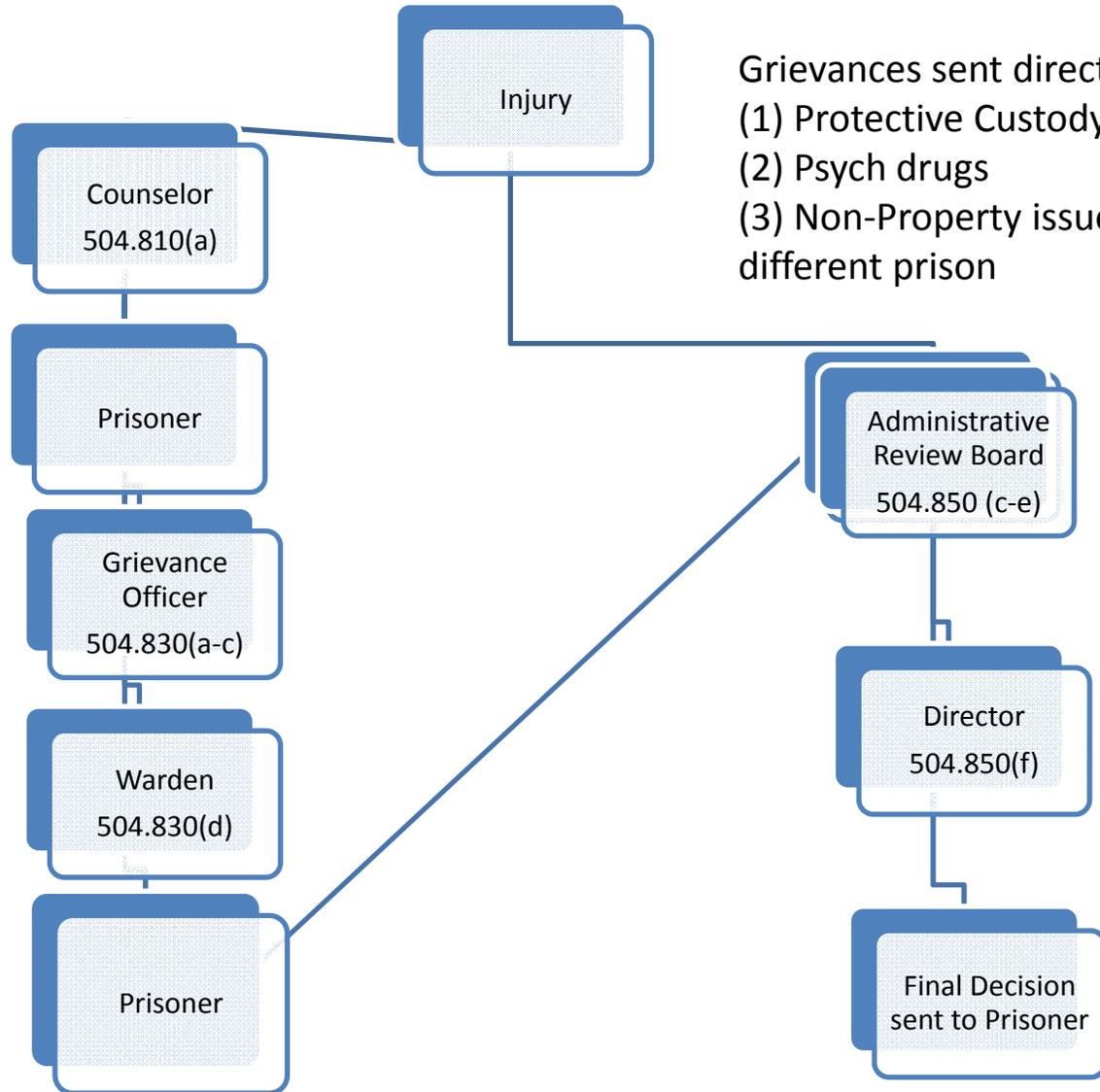
“are exhausted”

- Final ruling from highest level of appeal within prison system.
- Do **not** have to exhaust state **court** remedies.



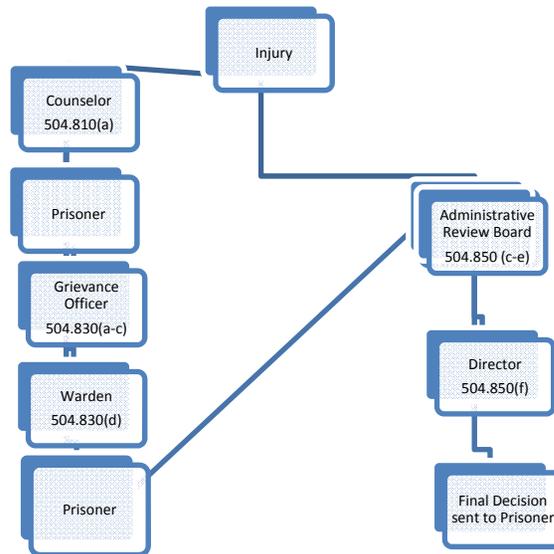
Grievance Process

Two Routes (20 Ill. Admin. Code 504.810, *et seq.*):



Grievances sent directly to ARB:
(1) Protective Custody;
(2) Psych drugs
(3) Non-Property issues from a different prison

Deadlines



- File with Counselor—60 days from date of injury
- Counselor response—no time limit
- File with Grievance Officer—60 days from date of injury (must have response from counselor)
- Grievance Officer response—60 days—“where reasonably feasible under the circumstances”
- File with ARB—30 days from date of Warden’s decision
- ARB’s recommendation to Director—no time limit
- Director’s decision—within 6 months after receipt, “where reasonably feasible under the circumstances.”

Informal Attempts to Resolve

These ARE NOT grievances.

These DO NOT satisfy the exhaustion requirement

ILLINOIS DEPARTMENT OF CORRECTIONS
TAMMS CORRECTIONAL CENTER
RESIDENT REQUEST

DATE: 9/22/02
 PLEASE REFER TO THE DIRECTORY LOCATED IN YOUR ORIENTATION MANUAL AND ADDRESS PROPER PERSONNEL.
 TO: Chaplain Office C Miller
 INMATE'S NAME: Wilson, B IDOC NUMBER: 131449
 LIVING UNIT: D-2-1 WORK ASSIGNMENT/SHIFT: _____

~~~~~COMPLETE ONE OF THE FOLLOWING~~~~~

I wish to be interviewed regarding: Maybe we have mistaken as it the policy that to have a religious diet it must be a mandatory central tenet of the religion? Is that I must be able to follow only aspect of the religion to obtain a religious diet?

An interview is not necessary, but I would like: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Inmate's Signature: B Wilson

~~~~~ DO NOT WRITE BELOW THIS LINE ~~~~~

REMARKS BY STAFF MEMBER CONDUCTING INTERVIEW OR ACTING ON REQUEST: _____

According to 10 04 25-101 II I L "Committed persons shall be permitted to abstain from any foods the consumption of which violates their required religious tenets"

I emphasize that it must be a requirement of the religion

DATE: 10-8-02 STAFF MEMBER: Chap C Miller

Ex. G



Tamm Correctional Center / 200 Supermax Road, P.O. Box 400 / Joliet, IL 62988 / Telephone: (815) 747-2042 / TDD: (800) 526-0544

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

MEMORANDUM

DATE: January 20, 2006
 TO: Brian Nelson, N-31449, F-4-8
 FROM: Carl Miller Carl Miller
 Senior Chaplain
 SUBJECT: Dietary Concern

Warden Frey asked me to respond to your concern.
 You indicate you seek equal treatment for Feast Days as a Catholic/Cistercian as the Muslims receive.
 What does the word "feast" mean? In reference to a Muslim Feast which you referred to from internet information, you quoted, "The feast re-enacts Abraham's obedience by sacrificing a cow or ram. The family eats about a third of the meal and donates the rest to the poor." The word feast refers to a special meal being eaten.

In Catholic literature and what Catholic Chaplain Reuter states, the only reference to food is "Roman Catholics of all ages are to observe ABSTINENCE from red meats and poultry on Ash Wednesday and on the six Fridays of Lent. Fish and other seafoods are not prohibited. Roman Catholics between the ages of 21 and 59 are to observe FASTING on Ash Wednesday and on Good Friday. Fasting is interpreted to mean: (a) only one full meal in the course of the day, (b) two other smaller meals together not equaling the main meal, and (c) no solid food between these three meals. These are the only universal dietary regulations for Roman Catholics in the United States."

Chaplain Reuter indicates that while Catholics may be accustomed to celebrating certain feast days such as Christmas and Easter with extra foods and drinks, "None of these practices, however, "feast" or "famine" are items of Church legislation."

The word "feast" as applied to the many Catholic feasts do not refer to eating food, but rather the Mass and various aspects of worship. According to "The Catholic Source Book," "Feast Days, or Holy Days, are days which are celebrated in commemoration of the sacred mysteries and events recorded in the history of our redemption, in memory of the Virgin Mother of Christ, or of His apostles, martyrs, and saints, by special

Counselor's Response

PAGE 1 of 4
 TA-02-05-091

ILLINOIS DEPARTMENT OF CORRECTIONS
 COMMITTED PERSON'S GRIEVANCE

Date: MAY 8, 02 Committed Person: BRIAN NELSON ID: N31449
 Present Facility: TAMMS Facility where grievance issue occurred: TAMMS

NATURE OF GRIEVANCE:
 Personal Property Mail Handling Restoration of Good Time Disability
 Staff Conduct Dietary Medical Treatment Other (Specify) Religious Persecution/Discrimination
 Transfer Denial by Facility Transfer Denial by Transfer Coordinator
 Disciplinary Report: _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Show-Down Report, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: On April 23, 2002 I requested a Religious Diet in accordance with my beliefs as a Roman Catholic, i.e., to not eat any flesh meat on Fridays. I made it clear I would be willing to accept any set up established by I.D.C. to receive this diet. As a Roman Catholic it is my belief that to eat flesh meat on Fridays is a sin and act against penance. I have been a Catholic my entire life and am registered with I.D.C. as a Catholic. My beliefs are that to abstain from flesh meat on all Fridays is necessary act of penance as stated in the Bible. Honor my religious belief of not eating flesh meat. Cease Religious Persecution/Discrimination by Non-Catholic Chaplains imposing their beliefs upon Catholics. STOP

Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Committed Person's Signature: _____ Date: MAY 16 2002
 RECEIVED
 GRIEVANCE OFFICER

Counselor's Response (if applicable)
 Date Received: 05/10/02 Send directly to Grievance Officer Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 16277, Springfield, IL 62794-9277

Response: Per D.R. 425 section 425.70-Accommodation of Religious Diets-a) Committed persons shall be permitted to abstain from any foods the consumption of which violates their required religious tenets. Part c of this policy states, "A committed person may submit a written request to the facility chaplain to receive an alternative diet for specific religious reasons. The request must contain verification that the committed person is a member of a faith group that requires adherence to a particular diet and the specific requirements of the diet."
 Chaplain Miller, Senior Chaplain, provided to Offender Nelson in memorandum form dated May 2, 2002 the following response to his request: "According to your April 23, 2002 request, as a Roman Catholic, you want to do penance. You want to do penance by not eating meat on Fridays. If you choose to not eat meat on your tray on Fridays, that is your choice. CONTINUED ON PAGE 2"

S. Ramsey, C.C.T. J. Ramsey, C.C.T. 05/10/02
 With Grievance Officer's Name Grievance Officer's Signature Date of Response

EMERGENCY REVIEW
 Date Received: _____ Is this determined to be of an emergency nature? Yes; specify emergency grievance No; an emergency is not substantiated. Committed person should submit this grievance to the correct transfer.
 Exhibit A
 Chief Administrative Officer's Signature: _____ Date: _____

Distribution: Master File/Committed Person Page 1
 Filed as Request Form DOC 0048 (EE-105001) (Replace DC 567)

Response from ARB and Director



George H. Ryan
Governor

Donald N. Snyder, Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2666 / TDD: (800) 626-0644

December 16, 2002

Brian Nelson
Register No. N31449
Tamms Correctional Center

Dear Mr. Nelson:

This is in response to your grievance received on November 18, 2002, regarding religion (religious diet denial), which was alleged to have occurred at Tamms Correctional Center. This office has determined the issue will be addressed without a formal hearing.

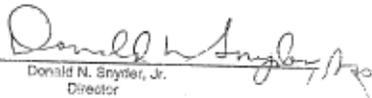
The Grievance officer's report and subsequent recommendation dated November 5, 2002 and approval by the Chief Administrative Officer on November 7, 2002 have been reviewed.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance be denied.

FOR THE BOARD:


Nancy S. Tucker
Administrative Review Board
Office of Inmate Issues

CONCURRED:


Donald N. Snyder, Jr.
Director

cc: Warden Charles Hinsley, Tamms Correctional Center
Brian Nelson, Register No. N31449
Chron. File

Ex. D

Documentation at Each Stage

Step 1: Counselor

Step 1: Counselor **CHAMPS**

- Counselors keep a running log of all contacts with a prisoner.
- This is generally computerized.
- It may or may not be accurate.
- It may or may not actually be maintained.

Step 2: Grievance Officer

Grievance Officer Log

PAGE 1 of 4
 TM-09-05-091

ILLINOIS DEPARTMENT OF CORRECTIONS
 COMMITTED PERSON'S GRIEVANCE

Date: MAY 8, 02 Committed Person: BRIAN NELSON ID: N31449

Present Facility: TAMMS Facility where grievance issue occurred: TAMMS

NATURE OF GRIEVANCE:

Personal Property Mail Handling Restoration of Good Time Disability
 Staff Conduct Dietary Medical Treatment Other (Specify) Religious Persecution/Discrimination
 Transfer Denial by Facility Transfer Denial by Transfer Coordinator
 Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Show/Listen Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: On April 23, 2001 I requested a Religious Diet in accordance with my beliefs as a Roman Catholic, i.e., to not eat any flesh meat on Fridays. I made it clear I would be willing to accept any set up established by IDOC to receive this diet. As a Roman Catholic it is my belief that to eat flesh meat on Fridays is a sin and act against penance. I have been a Catholic my entire life and am registered with IDOC as a Catholic. My beliefs are that to abstain from flesh meat on all Fridays is necessary act of penance as stated in the Bible. I request that IDOC honor my religious belief by not eating flesh meat. Cease Religious Persecution/Discrimination by Non-Catholic Chaplains imposing their beliefs upon Catholics. STOP

Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious and irreparable harm to self.

Committed Person's Signature: _____ Date: MAY 1 5 2002
 Grievance Officer

Counselor's Response (if applicable)

Date Received: 05/09/2002 Send directly to Grievance Officer Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 16277, Springfield, IL 62794-9277

Response: Per D.R. 425 section 425.70-Accommodation of Religious Diets-a) Committed persons shall be permitted to abstain from any foods the consumption of which violates their required religious tenets. Part c of this policy states, "A committed person may submit a written request to the facility chaplain to receive an alternative diet for specific religious reasons. The request must contain verification that the committed person is a member of a faith group that requires adherence to a particular diet and the specific requirements of the diet."
 Chaplain Miller, Senior Chaplain, provided to Offender Nelson in memorandum form dated May 2, 2002 the following response to his request: "According to your April 23, 2002 request, as a Roman Catholic, you want to do penance. You want to do penance by not eating meat on Fridays. If you choose to not eat meat on your tray on Fridays, that is your choice. CONTINUED ON PAGE 2"

S. Ramsey C.C.T. S. Ramsey C.C.T. 05/10/02
 Chaplain's Name Chaplain's Signature Date of Response

EMERGENCY REVIEW

Date Received: _____ Is this determined to be of an emergency nature? Yes; expedite emergency grievance No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.

Exhibit A
 Chief Administrative Officer's Signature _____ Date _____

Distribution: Master-File Committed Person

Page 1
 DOC 0048 (REV 10/2001)
 (Replaces DC 567)

Step 1: Counselor

Internal memos & e-mails

- Counselors will often forward grievances to other people for a response:
- Medical Grievances may go to Health Care Unit Administrator
- Staff misconduct grievances may go to Internal Affairs
- If counselor forwards the grievance, there should be a response.

Step 1: Counselor Internal memos & e-mails



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

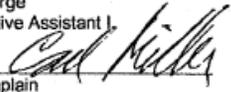
Donald N. Snyder, Jr.
Acting Director

Tamms Correctional Center / 200 Supermax Road, P.O. Box 400 / Tamms, IL 62988 / Telephone: (618) 747-2042 / TDD: (800) 526-0844

MEMORANDUM

DATE: April 1, 2003

TO: Randy George
Administrative Assistant I

FROM: Carl Miller 
Senior Chaplain

SUBJECT: Court Summons

Brian Nelson, N-31449, requested a religious vegan diet (no meat) on all Fridays or all the time according to his religious belief. As a Roman Catholic, it is not a requirement for no meat on Fridays except during Lent (which I approved).

Mr. Nelson said on April 23, 2002 he didn't want meat on any Friday as an act of penance, though no evidence was given that it was a requirement of the Catholic faith. The Monastic Rule of St. Benedict was not cited as a reason.

On July 20, 2002 Mr. Nelson said he was a follower of the Monastic Rule established by St. Benedict and therefore didn't want meat on Fridays, though no particular day was cited in Chapter 39, St. Benedict's Rule For Monasteries. The above book explains the Rule for Cenobite monks who "abstain entirely from eating the flesh of four-footed animals." I have no problem in granting a religious vegan diet to a Cenobite monk because it is a requirement of its religion.

I have yet to receive certification Mr. Brian Nelson is a Cenobite monk according to the Monastic Rule of St. Benedict. If I receive such certification, I would be glad to consider his request for a religious vegan diet(no meat).

cc: A/W Shelton Frey
File

Step 2: Grievance Officer

Other Documents

- Log may be computerized
- May be handwritten
- It is probably not complete
- There MAY be additional referral to third party
- The Grievance Officer MAY interview the prisoner
- Grievance Officer's recommendation is NOT given to prisoner
- Grievance Officer's recommendation goes directly to Warden
- Training Materials (see packet for example—out of date)

Step 3: Warden

- Myth—Wardens don't review grievances
- Designee
- Assistant Warden (Operations/Programs)
- Administrative Assistant
- Should be an Institutional Directive or other documentation of the designation
- Warden's decision is returned to the prisoner via institutional mail

Step 4: ARB

(must be mailed from prison to Springfield)

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # _____ Date 3-27-012

Offender Name Keith Walker ID# N5111 Housing Unit W-915-ee

Pay to UPTOWN PEOPLE'S LAW CENTER

Address 4413 NORTH SHERIDAN

City, State, Zip CHI, ILL. 60640

The sum of _____ dollars and _____ cents charged to my trust fund account, for the purpose of OUT GOING PRIVILEGED LEGAL MAIL ONLY

I hereby authorize payment of postage for the attached mail. I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature Walker ID# N5111

Witness Signature _____

Approved Not Approved Chief Administrative Officer Signature _____

Postage applied in the amount of _____ dollars and 30 cents.

Entered [Signature]
MAR 28 2012

Pontiac Correctional Center
Trust Office

DOC 0296 (Eff. 1/2001)
(Replaces DC 628)

Printed on Recycled Paper

Authorization for Postage

Step 4: ARB

(must be mailed from prison to Springfield)
Trust Fund Statement

Date: 1/13/2012
Time: 1:31pm
d_list_inmate_trans_statement_composite

**Menard Correctional Center
Trust Fund**

Page 1

Inmate Transaction Statement

REPORT CRITERIA - Date: 07/01/2011 thru End; Inmate: R64344; Active Status Only : No; Print Restrictions ? : Yes;
Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print
Balance Errors Only ? : No

Inmate: R64344 Sanchez, Jose L.

Housing Unit: MES-X - 3 -19

| Date | Source | Transaction Type | Batch | Reference # | Description | Amount | Balance |
|----------|---------------|----------------------------|---------|-------------|---|---------------------------|---------------|
| | | | | | | Beginning Balance: | 151.88 |
| 07/30/11 | Mail Room | 04 Intake and Transfers In | 211269 | 157362 | Stateville C.C. | 97.65 | 249.53 |
| 08/04/11 | Payroll | 20 Payroll Adjustment | 216159 | | P/R month of 07/2011 | 1.70 | 251.23 |
| 08/04/11 | Point of Sale | 60 Commissary | 2167149 | 939858 | Commissary | -24.57 | 226.66 |
| 08/10/11 | Disbursements | 84 Library | 222359 | Chk #107864 | 318227, DOC: 523 Fnd Library,
Inv. Date: 08/08/2011 | -9.95 | 216.71 |
| 08/10/11 | Disbursements | 80 Postage | 222359 | Chk #107857 | 317594, DOC: 523 Fnd Inmate R,
Inv. Date: 07/13/2011 | -.44 | 216.27 |
| 08/10/11 | Disbursements | 81 Legal Postage | 222359 | Chk #107857 | 317676, DOC: 523 Fnd Inmate R,
Inv. Date: 07/13/2011 | -.44 | 215.83 |
| 08/10/11 | Disbursements | 80 Postage | 222359 | Chk #107857 | 319313, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -1.28 | 214.55 |
| 08/10/11 | Disbursements | 81 Legal Postage | 222359 | Chk #107857 | 319018, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -1.28 | 213.27 |
| 08/10/11 | Disbursements | 81 Legal Postage | 222359 | Chk #107857 | 319019, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -2.08 | 211.19 |
| 08/10/11 | Disbursements | 80 Postage | 222359 | Chk #107857 | 318457, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -2.08 | 209.11 |
| 08/10/11 | Disbursements | 81 Legal Postage | 222359 | Chk #107857 | 319632, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -2.08 | 207.03 |
| 08/10/11 | Disbursements | 81 Legal Postage | 222359 | Chk #107857 | 319633, DOC: 523 Fnd Inmate R,
Inv. Date: 08/05/2011 | -2.28 | 204.75 |
| 08/19/11 | Disbursements | 88 pymt | 231369 | Chk #108615 | 88226663, Blackston Career In,
Inv. Date: 08/18/2011 | -204.30 | .45 |
| 08/31/11 | Disbursements | 81 Legal Postage | 243359 | Chk #109197 | 322105, DOC: 523 Fnd Reimburs,
Inv. Date: 08/22/2011 | -.20 | .25 |

May also be an Internal Affairs mail watch

Step 4: ARB

- ARB log
- Computerized
- Gives each grievance a number
- Training Manuals explain how grievances are to be logged
- May be Administrative Directive on log