

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted October 9, 2025*

Decided October 10, 2025

BeforeDAVID F. HAMILTON, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1006

HARRY ROBINSON,
*Plaintiff-Appellant,**v.*DAVID LIPINSKI, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 23-cv-1391

Stephen C. Dries,
*Magistrate Judge.***ORDER**

Harry Robinson, a Wisconsin inmate, sued several prison officials alleging they violated his rights under the First and Fourteenth Amendments when they lost a package containing legal materials. *See* 42 U.S.C. § 1983. The district judge entered

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

summary judgment for the defendants, concluding that Robinson had not exhausted his administrative remedies before filing suit. *See* 42 U.S.C. § 1997e(a). We affirm.

Robinson tendered a package containing legal documents to prison authorities on September 22, 2021, for mailing to his family to assist in his legal representation. In mid-October, he inquired about the status of the package with his unit manager, who said she would investigate the matter. Robinson later discovered his family never received the package. On November 17, 2021, he submitted a written information request confirming he knew the package was not delivered. Over the next two months, Robinson sent several other letters to prison staff inquiring about the package, attempting to resolve the matter informally before filing a formal complaint, as required by prison rules. *See* WIS. ADMIN. CODE DOC § 310.07(1) (2018). The staff members he contacted either did not follow up with him or said they could not locate the package, and the matter was out of their hands. He filed a formal inmate complaint on January 18, 2022, but it was returned with instructions to refile it with supporting documents substantiating his attempts at informal resolution and justifying the late filing. Robinson refiled his inmate complaint three days later.

An examiner, an employee designated by the warden, investigated Robinson's complaint and concluded that the date of the incident was September 22, 2021—the day Robinson submitted the package for mailing. The examiner rejected the complaint as untimely filed, because Robinson had not submitted it within 14 days of the incident nor provided good cause for the delay, as required by Wisconsin law. *See* § 310.07(2). The examiner also explained that the prison keeps UPS shipment records for only three months, so there was no way to search for the package Robinson had attempted to ship four months earlier. Robinson appealed the rejection of his complaint, but the reviewing authority affirmed the rejection, concluding that Robinson did not establish good cause for his late filing.

Robinson then filed this action under 42 U.S.C. § 1983, arguing that the defendants violated his rights under the First and Fourteenth Amendments. The defendants moved for summary judgment, contending that Robinson failed to exhaust his administrative remedies because he did not submit his complaint within 14 days of the incident. Robinson responded that he exhausted his administrative remedies by attempting informal resolution and filing a complaint once he realized the package was lost. In the alternative, he argued that administrative remedies were made unavailable to him by the prison officials' failure to respond to his attempts at informal resolution.

The district court agreed with the defendants that Robinson failed to timely file an inmate complaint, reasoning that the incident date was September 22, 2021, and the undisputed facts showed his complaint was filed on January 18, 2022—long past the 14-day deadline. Robinson’s informal resolution attempts, the court explained, were insufficient to constitute exhaustion. The court also rejected Robinson’s argument that administrative remedies were unavailable to him, reasoning that the prison staff’s lack of knowledge or response did not deny him access to a formal complaint process.

Robinson now appeals. We review de novo the entry of summary judgment for failure to exhaust administrative remedies, construing the facts and drawing all reasonable inferences in favor of Robinson, the party opposing summary judgment. *See Williams v. Rajoli*, 44 F.4th 1041, 1045 (7th Cir. 2022).

Robinson first argues that the district court erred in concluding the incident date was September 22, 2021, and, as a result, erred in concluding his inmate complaint was untimely. Construing the undisputed facts in the light most favorable to Robinson, the latest possible incident date would be November 17, 2021, when he sent a written inquiry to the prison property department explaining that his package had not reached his family. This inquiry establishes Robinson’s knowledge that the shipment had gone awry. The latest date to timely file a complaint was therefore December 1, 2021—14 days later. *See* WIS. ADMIN. CODE DOC § 310.07(2) (2018). Robinson’s January 18, 2022, complaint missed that date by nearly seven weeks. He does not contend that good cause excuses the delay. Robinson’s inmate complaint was therefore untimely.

Robinson further argues that by failing to follow up on his attempts to resolve the matter informally, prison staff made the grievance process unavailable to him. But a grievance process is unavailable only if officials are categorically unwilling to provide relief, if they thwart a prisoner’s access to the process, or if the process is so opaque it cannot be used by an ordinary prisoner. *Ross v. Blake*, 578 U.S. 632, 643–44 (2016). Robinson’s evidence does not suggest any of those circumstances existed here. Although Robinson was required to attempt informal resolution, § 310.07(1), “he should have ‘err[ed] on the side of exhaustion’ and timely initiated the formal grievance process when he did not receive a response.” *See Williams*, 44 F.4th at 1045–46 (quoting *Ross*, 578 U.S. at 644).

Robinson also contends that even if he did not meet the technical requirements of the administrative grievance process, his informal attempts at resolution constitute substantial compliance, so his administrative remedies should be considered exhausted. But the Prison Litigation Reform Act’s exhaustion requirement is inflexible, and there is

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no “substantial compliance” exception. *See Smith v. Zachary*, 255 F.3d 446, 452 (7th Cir. 2001).

Because Robinson failed to exhaust his administrative remedies, we do not reach the merits of his claims.

AFFIRMED