

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DAVID PAUL HARTMAN,

Plaintiff,

vs.

CIVIL ACTION
No. 05-3285-SAC

CORRECT CARE SOLUTIONS, et al.,

Defendants.

ORDER

This matter is before the court on a pro se complaint filed under 42 U.S.C. 1983 while plaintiff was a prisoner incarcerated in Hutchinson Correctional Facility in Hutchinson, Kansas. Plaintiff seeks damages based on defendants' alleged deliberate indifference and denial of appropriate and timely medical care for plaintiff's back pain, contrary to the Eighth Amendment.

The Prison Litigation Reform Act requires a prisoner to exhaust all claims through the available administrative grievances prior to bringing an action in federal court. 42 U.S.C. 1997e(a). Plaintiff has the burden of pleading exhaustion of administrative remedies, and "must provide a comprehensible statement of his claim and also either attach copies of administrative proceedings or describe their disposition with specificity." Steele v. Federal Bureau of Prisons, 355 F.3d 1204, 1211 (10th Cir. 2003). Full exhaustion of administrative remedies on all claims is required. See Ross v. County of Bernalillo, 365 F.3d 1181 (10th Cir. 2004)("total exhaustion"

rule applies to 1997e(a)).

In the present case, plaintiff documents his use of the administrative grievance procedure, but fails to demonstrate his full exhaustion of any such grievance to the Secretary of Corrections. This is insufficient under Steele.

Accordingly, plaintiff is granted the opportunity to supplement the complaint to show his full exhaustion of administrative remedies. Absent such a showing, the complaint is subject to being summarily dismissed without prejudice, pursuant to 42 U.S.C. 1997e(a).

IT IS THEREFORE ORDERED that plaintiff is granted twenty (20) days to supplement the complaint to avoid dismissal of the complaint without prejudice pursuant to 42 U.S.C. 1997e(a).

IT IS SO ORDERED.

DATED: This 12th day of July 2005 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge