



March 25, 2009, Forsyth filed a grievance about his medical treatment for discoloration of the skin on his finger. On February 13, 2010, defendant Sharon Simpson, the grievance officer at the Pontiac CC, recommended the grievance be denied as the treatment had been resolved at a sick call without Forsyth's further complaint. On February 16, 2010, defendant Guy D. Pierce, the warden and chief administrative officer at Pontiac CC, concurred.

¶ 6 On July 27 and 31, 2009, Forsyth filed grievances that he was being deprived of bible study when in the prison yard, denied a "religious" diet, and had not received information about Department policies on segregation. On March 1, 2010, Simpson recommended the grievances be denied because prisoners are not allowed to take anything into the prison yard, Forsyth had not filed a religious diet declaration, and Department segregation policies are not available for prisoners to view. On March 12, 2010, Pierce concurred. On August 18, 2009, Forsyth filed a grievance because his request for a Kosher diet was denied by the prison chaplain. On April 5, 2010, Simpson recommended the grievance be denied because Forsyth is Protestant. On April 13, 2010, Pierce concurred.

¶ 7 On March 14, March 17, and April 19, 2010, Forsyth appealed Pierce's decisions to the Director of the Department. On September 20, 2010, Forsyth filed a complaint, captioned "Petition of *Mandamus*," in the circuit court, complaining that defendants had failed to comply with section 504.830(d) of the Department's regulations, which provides: "The Chief Administrative Officer shall advise the offender of the decision in writing within 2 months after receipt of the written grievance, where reasonably feasible under the circumstances." 20 Ill. Admin. Code § 504.830(d) (2010). Forsyth asked for an order of *mandamus* compelling defendants to comply with section 504.830(d) and grant "such other relief as the court deems

necessary."

¶ 8

### III. ANALYSIS

¶ 9 In December 2010, defendants filed a motion to dismiss the petition pursuant to section 2-619 of the Code of Civil Procedure (735 ILCS 5/2-619 (West 2008)). In April 2011, the trial court granted defendants' motion for failure to exhaust administrative remedies. This appeal followed.

¶ 10 On appeal from a section 2-619 motion, the reviewing court must determine whether there is a genuine issue of material fact and whether defendant is entitled to judgment as a matter of law. The court must construe the pleadings and supporting documents in favor of the nonmoving party. The standard of review for a section 2-619 motion is *de novo*. *Stark Excavating, Inc. v. Carter Construction Services, Inc.*, 2012 IL App (4th) 110357 ¶ 36, 2012 WL 1025891. *Mandamus* is an extreme remedy used to compel a public official to perform a nondiscretionary, ministerial duty. *Owens v. Snyder*, 349 Ill. App. 3d 35, 38, 811 N.E.2d 738, 741 (2004). To state a claim for *mandamus* relief, a plaintiff must allege facts which establish a clear right to the relief requested, a clear duty of the respondent to act, and clear authority in the respondent to comply with the writ. *Neville v. Walker*, 376 Ill. App. 3d 1115, 1118, 878 N.E.2d 831, 833 (2007).

¶ 11 Defendants are clearly entitled to judgment as a matter of law. First of all, section 504.830(d) does not set an absolute deadline, requiring only that the grievant be advised of the decision within two months "where reasonably feasible under the circumstances." 20 Ill. Admin. Code § 504.830(d) (2010). Forsyth does not set out any facts suggesting that any delay was unreasonable. Second, Department regulations are designed to provide guidance to

prison officials in the administration of prisons and create no more rights to inmates than those which are constitutionally required. *Knox v. S.A. Godinez*, 2012 IL App (4th) 110325 ¶ 22, 2012 WL 966432. Finally, what relief could ever be warranted for Forsyth? Could the trial court order defendants to decide the grievances? They have already done that.

¶ 12

#### IV. CONCLUSION

¶ 13

We affirm the circuit court's judgment.

¶ 14

Affirmed.