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The Prisoner Litigation Reform Act (PLRA), passed by Congress in 1996, sought to create an effective solution to the problem of federal courts being overburdened by prisoner litigation.[1] It provided more rigid requirements for inmates to be able to bring their claims into federal courts, with the intention of reducing the amount of "frivolous" litigation brought forth by prisoners.[2] However, Congress' intention was far from realized. Since its passing, there have been a great deal of cases in the federal court system brought specifically to address the administrative remedy exhaustion requirement under 42 U.S.C. § 1997e(a) of the PLRA.[3] The section requires that inmates must use all available means at their disposal to address their grievances with prison staff before being able to file a lawsuit.[4] The requirement has proven to be incredibly burdensome, if not impossible, for inmates seeking proper redress. This has resulted in widespread constitutional deprivation of our nation's inmates in recent years.

Under the PLRA, Section 1997e(a) states, "No action shall be brought with respect to prison conditions by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."[5] However, many prisons do not in practice actually make appropriate administrative remedies available to their inmates. In many cases, inmates have had their grievances turned down for reasons as simple as "writing in red ink" or "writing on the back of a form."[6]

This issue is particularly relevant today as with the case of Shaidon Blake, an inmate in a jail in Baltimore, which came before the Supreme Court in June of last year. Blake filed a lawsuit in federal court claiming that two officers punched him in the face several times in 2007.[7] While Blake was awarded $50,000 in a jury trial against one of the officers, the other officer raised the PLRA's exhaustion requirement as an affirmative defense.[8] Writing the opinion for the court, Justice Kagan stated that while Blake did not fully exhaust all administrative requirements, Maryland's grievance process has "some bewildering features."[9] The Inmate Handbook states that prisoners can file grievances through the Administrative Remedy Procedure (ARP), but the state of Maryland also has an Internal Investigation Unit (IIU) that handles staff misconduct.[10] Even though the Handbook expressly allows prisoners to use both avenues to file grievances, in Blake's case, he was told that he was barred from relief under the ARP once his yearlong IIU investigation was closed.[11] The Supreme Court unanimously rejected Blake's "special circumstances" argument that a failure to comply with administrative procedural requirements can be excused when an inmate reasonably believed he had sufficiently exhausted his remedies.[12] However, several members of the Court seemed sympathetic to Blake's claim that said remedies were not actually available to him in

actuality.[13] The case was remanded for deeper consideration of that question.

While Blake's case is a step forward for prisoners seeking proper redress for their grievances, it is a miniscule step at best. Until the PLRA is repealed severely or dismantled entirely, inmates will continue to encounter hurdles in their path to justice. State prison systems across the country must take genuine strides to create more uniform and accessible grievance procedures. Knowing that the administrative exhaustion requirement is a high hurdle to clear, correctional officers can easily make it even harder for prisoners by imposing additional administrative barriers. There must be a nationwide consolidated grievance system that does not allow for variation amongst different state correctional facilities. The nationwide procedure must be comprehensible and explicit so that inmates with no legal knowledge whatsoever can exhaust without fear of missing a necessary or latent step. Officials independent from the prison, to ensure complete unprejudiced inquiry, must review these grievances. Such reform will not come easy and will take substantial time to implement nationally. But only through the meaningful reshaping of administrative remedies can perhaps the most marginalized class of people in our society begins to find justice.

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[1] Danielle M. McGill, *To Exhaust or Not to Exhaust: The Prisoner Litigation Reform Act Requires Prisoners to Exhaust All Administrative Remedies before Filing Excessive Force Claims in Federal Court*, 50 CLEV. ST. L. REV. 129, 131 (2003) (discussing the reason for the enactment of the Prisoner Litigation Reform Act).

[2] *Id.* at 130.

[3] 42 U.S.C. § 1997e(a) (2016).

[4] *See id.*

[5] *Id.*

[6] *See* Rachel Poser, *Why It's Nearly Impossible for Prisoners to Sue Prisons*, THE NEW YORKER (May 30, 2016), http://www.newyorker.com/news/news-desk/why-its-nearly-impossible-for-prisoners-to-sue-prisons (quoting Margo Schlanger, a professor of civil rights at the University of Michigan who has curated a database of grievance polices amongst prisons throughout the United States).

[7] *See Ross v. Blake*, 136 U.S. 1850 (2016).

[8] *Id.* at 1855.

[9] *Id.* at 1860.

[10] *Id.*

[11] *Id.*

[12] *Id.* at 1852.

[13] *See* Steve Vladeck, *Opinion analysis: Justices hold door open to prisoner suit even when rejecting "special circumstances" exception to PLRA exhaustion requirement*, SCOTUSBLOG (June 7, 2016), http://www.scotusblog.com/2016/06/opinion-analysis-justices-hold-door-open-to-prisoner-suit-even-while-rejecting-special-circumstances-exception-to-plra-exhaustion-requirement/.