

**WHAT IS THE PLRA?**

The Prison Litigation Reform Act, or PLRA, is a law Congress passed in 1996 which affects people's ability to sue for unlawful or unconstitutional behavior, conditions, or events that take place in prisons. In short, the law makes it harder for those who are in prison to bring claims. The statute has several implications for people who are incarcerated. Five major provisions are discussed below.

**EXHAUSTING ADMINISTRATIVE  
REMEDIES**

Before an incarcerated person can sue a prison or prison officials, they must first use every available process under the prison's grievance procedure. This requirement, called exhausting administrative remedies, is mandatory. In practice, this means any person bringing a claim must first file a prison grievance. If the grievance is unsuccessful, it must then be appealed through the grievance procedure as well.

Many grievance procedures have complex requirements that can be difficult to navigate, including strict deadlines for filing and appeals. Failure to follow these requirements or meet these deadlines can result in the dismissal of a lawsuit.

**FEES**

Courts impose a number of different fees on all people appearing before them. First and foremost are filing fees. Under the PLRA, all people who are incarcerated must pay court fees regardless of their ability to pay and must pay even if the case is later dismissed or voluntarily withdrawn.

Depending on someone's ability to pay, they can still apply to proceed *in forma pauperis*, meaning they would not pay court fees up front. But even if that application is granted, the fees are imposed over time.

**SCREENING**

The PLRA requires federal courts to conduct preliminary reviews of civil cases brought by incarcerated persons against government officials and all cases brought *in forma pauperis*. This process is called "screening." Through this process, the Court—before the defendants even file an answer—will take a first look at whether a lawsuit states a claim. If the Court determines there is not a valid claim, it will dismiss.

**"THREE STRIKES"**

The PLRA also imposes the so-called "three strike rule." Under the rule, if an incarcerated person files three separate cases which a Court dismisses, that person can no longer file new cases *in forma pauperis*. In other words, after three dismissals, an incarcerated person can only file a new civil case if they can pay the entire filing fee up front. There are highly limited exceptions, but in general the rule is strict.

**PHYSICAL INJURY REQUIREMENT**

Under the PLRA, lawsuits seeking monetary damages must include allegations of physical injuries. In other words, incarcerated persons cannot sue for money damages based on emotional distress alone. Any claim for emotional distress damages must be accompanied by a showing of physical harm.