Case Brief: *Griffin v. Bryant*[*]

INTRODUCTION

The North Carolina prison appeals system is "a real world 'Catch 22,' a dilemma from which there is no escape."[1] It is a system the U.S. Court of Appeals for the Fourth Circuit is finally confronting. When an incarcerated person[2] has grievances with their prison, they must exhaust every stage in the internal appeals system before going to the courts.[3] The 1996 Prison Litigation Reform Act ("PLRA") created strict guidelines for any incarcerated person looking to file a claim in federal court, including the exhaustion requirement.[4] This requirement was aimed towards decreasing the amount of frivolous lawsuits filed while also improving the quality of suits brought by incarcerated people.[5]

Accordingly, what does a court do when the internal grievance process of a prison is confusing and unclear? Further, what happens when an incarcerated person misses a crucial appeal deadline through no fault of their own? In *Griffin v. Bryant*,[6] the Fourth Circuit grappled with these facts when an incarcerated person could not file a timely action because a previous claim had been erroneously left in the system.[7] The Fourth Circuit vacated the summary judgment order and remanded it for further proceedings, acknowledging the shortcomings of North Carolina's current internal grievance system within its

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1. Griffin v. Bryant, 56 F.4th 328, 338 (4th Cir. 2022) (quoting Eaton v. Blewett, 50 F.4th 1240, 1243 (9th Cir. 2022)).

2. I will be using the terms incarcerated persons/people instead of prisoners or inmates, though the sources and quotes cited throughout do not always use the same person-centered language. Many activists and scholars believe person-centered language highlights incarcerated people's humanity and dignity. *See* Nguyen Toan Tran, Stéphanie Baggio, Angela Dawson, Éamonn O'Moore, Brie Williams, Precious Bedell, Olivier Simon, Willem Scholten, Laurent Getaz & Hans Wolff, *Words Matter: A Call for Humanizing and Respectful Language To Describe People Who Experience Incarceration*, 18 BMC INT'L HEALTH & HUM. RTS. art. no. 41, at 2 (2018); Brendan L. Harney, Mo Korchinski, Pam Young, Marnie Scow, Kathryn Jack, Paul Linsley, Claire Bodkin, Thomas D. Brothers, Michael Curtis, Peter Higgs, Tania Sawicki Mead, Aaron Hart, Debbie Kilroy, Matthew Bonn & Sofia R. Bartlett, *It Is Time for Us All To Embrace Person-Centered Language for People in Prison and People Who Were Formerly in Prison*, 99 INT'L J. DRUG POL'Y, Jan. 2022, at 1, 1.

3. 42 U.S.C. § 1997e(a).

4. ACLU, KNOW YOUR RIGHTS: THE PRISON LITIGATION REFORM ACT (PLRA) 1 (Nov. 2002), https://www.aclu.org/sites/default/files/images/asset_upload_file79_25805.pdf [https://perma.cc/M4Z4-NV96].

5. *See* Porter v. Nussle, 534 U.S. 516, 524 (2002).

6. 56 F.4th 328 (4th Cir. 2022).

7. *See id.* at 332–33.

prisons.[8] However, it failed to address how the exhaustion requirement, and PLRA as a whole, exacerbates the problem for incarcerated persons.

BACKGROUND

PLRA dramatically changed the landscape of appeals brought by incarcerated persons.[9] During the 1990s, the prison population skyrocketed, and with more incarcerated people came more lawsuits.[10] With the enactment of PLRA, incarcerated people faced many more hurdles, both in bringing their cases and enforcing their rights.[11] The exhaustion requirement provides few exceptions, meaning that important and pertinent cases are dismissed for minor mistakes, such as filing in the wrong ink color.[12] Thus, courts rarely address the structure of a prison's grievance processes.

In North Carolina's system, a written grievance must be filed within ninety days of the incident.[13] Once a grievance is submitted, the screening officers have three days to review for compliance with technical filing rules.[14] If a grievance is accepted, prison officials must respond in writing within fifteen days ("Step 1").[15] However, if the incarcerated person is not satisfied with the Step 1 decision, they can appeal the decision ("Step 2").[16] At Step 2, prison officials have twenty days to review the grievance and provide another written response.[17] If the decision is appealed again, it goes to the final stage of the

8. *Id.* at 331, 338–39.

9. *See* John Boston, *25 Years of the Prison Litigation Reform Act*, PRISON LEGAL NEWS (Aug. 1, 2021), https://www.prisonlegalnews.org/news/2021/aug/1/25-years-prison-litigation-reform-act/ [https://perma.cc/4VT3-6PLJ (dark archive)].

10. *See id.*; *see also* Rachel Poser, *Why It's Nearly Impossible for Prisoners To Sue Prisons*, NEW YORKER (May 30, 2016), https://www.newyorker.com/news/news-desk/why-its-nearly-impossible-for-prisoners-to-sue-prisons [https://perma.cc/79SA-VV4B (dark archive)] (explaining the alleged explosion of "prison" lawsuits and how PLRA hoped to reduce the number of lawsuits brought by incarcerated people). The alleged purpose of PLRA to deter frivolous cases and bolster legally recognizable cases has not been achieved; instead, "[t]he preservation of prisoners' civil rights now depends on their ability to dot 'i's and cross 't's . . . [a]nd it turns out they're not so good at that." *See id.*

11. This case focuses on the exhaustion requirement; however, this section is not the only part of PLRA that undermines incarcerated people's rights. Examples include requiring physical injuries for monetary damages and limiting a court's ability to enforce change in a jail's policy or practice. *See* Andrea Fenster & Margo Schlanger, *Slamming the Courthouse Door: 25 Years of Evidence for Repealing the Prison Litigation Reform Act*, PRISON POL'Y INITIATIVE (Apr. 26, 2021), https://www.prisonpolicy.org/reports/PLRA_25.html [https://perma.cc/8N9Q-5JZL].

12. *Id.*

13. *Griffin*, 56 F.4th at 331.

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

grievance process ("Step 3").[18] Importantly, a person can only have one grievance "at or before" Step 2 of the process.[19]

What counts as an appeal is murky at best and completely contradictory at worst. North Carolina's appeal process states that "[i]f at any level of the administrative remedy process, including the final level, the inmate does not receive a response within the time provided for reply . . . the absence of a response shall be a denial at that level *which the inmate may appeal*," also called a "de facto denial."[20] North Carolina's procedure mandates that an appeal from any step be made in writing on a DC-410, an official form of the prison where the written decisions are returned to incarcerated people.[21] Directly contradicting itself, North Carolina's procedure also states that if at any step a timely response is not returned, the grievance is automatically forwarded to the next step.[22] Another section of the procedure states that even if the aggrieved person "refuses to sign the DC-410 indicating his/her desire to appeal, the DC-410 will automatically be forwarded to the next step."[23] These rules imply that incarcerated people do not need to formally appeal when prison officials do not respond to the grievance; instead, the appeal is automatic.[24]

FACTS

In *Griffin v. Bryant*, Matthew Griffin, a previously incarcerated man, brought various federal and state law claims.[25] The case involved three internal grievances that Mr. Griffin filed while he was incarcerated. Mr. Griffin was previously incarcerated in Central Prison in Raleigh, North Carolina.[26] While incarcerated, Mr. Griffin kept kosher and had substantial vision issues.[27] On October 27, 2015, he filed a grievance requesting a kosher diet.[28] The prison placed him on the kosher diet on October 30, effectively resolving the issue

18. *Id.* Notably, Step 3 requires a review by the North Carolina Secretary of Public Safety. *Id.*

19. *Id.* (noting that an incarcerated person can only file a new grievance when their first grievance has passed Step 2, either by an appeal to Step 3 or a resolution of the grievance).

20. *Id.* (emphasis added) (first quoting Joint Appendix at 108, *Griffin*, 56 F.4th 328 (No. 21-7362); and then quoting Brief of Appellees at 14–15, *Griffin*, 56 F.4th 328 (No. 21-7362)).

21. *Id.* Confusingly, nothing in North Carolina's procedure ever explains how someone can get a blank DC-410, as they are provided when a written decision is made. *Id.* at 331–32.

22. *Id.* at 332.

23. *Id.* It is important to note the history and use of gendered language in court opinions throughout U.S. history, with recent legal writing manuals recommending gender-neutral language. *See generally* Leslie M. Rose, *The Supreme Court and Gender-Neutral Language: Setting the Standard or Lagging Behind?*, 17 DUKE J. GENDER L. & POL'Y 81 (2010) (arguing that the Supreme Court's use of gendered language "communicates subtle sexism, distracts the reader, and creates ambiguity").

24. *Griffin*, 56 F.4th at 332.

25. *Id.* at 334. These federal claims include violations of the Eighth Amendment, the Fourteenth Amendment, the Americans with Disabilities Act, and the Rehabilitation Act. *Id.*

26. *Id.* at 332.

27. *Id.*

28. *Id.*

before a Step 1 response was required.[29] Unfortunately, this grievance "languished somewhere in the prison's grievance system, still on the books yet seemingly forgotten,"[30] and was never formally removed.[31] Mr. Griffin then began to focus on getting a cell assignment that would work with his visual disabilities.[32]

Mr. Griffin had several severe vision impairments, which made him more vulnerable to falling.[33] Prison officials directed that Mr. Griffin be assigned a cell compliant with his needs and the Americans with Disabilities Act ("ADA"), and on November 22, he was temporarily assigned to a hospital cell until an ADA-compliant room became available.[34] Three days later, Mr. Griffin complained about his cell assignment and asked to be transferred to an ADA-compliant cell, but these requests were denied.[35] Mr. Griffin continued to ask for a different cell and on November 26, Nadine Bryant,[36] a defendant and a prison nurse, told Mr. Griffin that if he continued to wake up nursing staff they would have him involuntarily medicated.[37] As Mr. Griffin persisted due to his health concerns, Bryant "made good on her threat."[38] She and several others, all defendants in this case, entered Mr. Griffin's cell on November 27, forced him to the floor, and involuntarily sedated him.[39] Mr. Griffin was left unsupervised; when he awoke hours later, he stumbled and fell in his cell, causing him to strike his head and dislocate his shoulder.[40]

Later that same day, Mr. Griffin filed a grievance ("sedation grievance") because of the nurses' actions.[41] The prison returned the sedation grievance three days later with the claim that the kosher diet grievance "was deemed yet pending at 'Step 1.'"[42] Since the kosher diet grievance was never formally removed, the one grievance rule barred the sedation grievance from being filed.[43]

29. *Id.*
30. *Id.* at 333.
31. *Id.* at 332. The defendants blamed Mr. Griffin, saying that it was his job to dismiss the grievance. *Id.* However, the court noted that there is nothing in the grievance protocol explaining that incarcerated persons can unilaterally dismiss their grievance or remove it from the system. *Id.*
32. *Id.*
33. *Id.*
34. *Id.*
35. *Id.*
36. *Id.*
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.*
41. *Id.*
42. *Id.* (citing Joint Appendix at 119, *Griffin*, 56 F.4th 328 (No. 21-7362)).
43. *Id.* at 332–33.

In January of 2016, Mr. Griffin filed a third new grievance about adequate treatment for a skin condition.[44] The prison system accepted the grievance even though it took no action on the kosher grievance.[45] This grievance was denied by a formal written response, according to Step 1.[46] On January 21, Mr. Griffin appealed the skin condition grievance to Step 2.[47] The prison did not respond within the twenty-day window—a written denial was issued on February 24.[48] Mr. Griffin appealed two days later to Step 3.[49] While Mr. Griffin waited for a response on the skin condition grievance, the prison officials inexplicably moved the kosher diet to Step 2 on February 5, and cited a timeframe violation.[50] On February 10, Mr. Griffin appealed the kosher diet grievance to Step 3.[51]

On February 26, Mr. Griffin had no grievances at or before Step 2 in the process.[52] The day prior, February 25, was ninety days after November 27, 2015, the involuntary sedation date.[53] Because of the ninety-day filing limitation, Mr. Griffin's sedation grievance could not be reviewed.[54] When Mr. Griffin tried to resubmit the sedation grievance on April 29, it was rejected as being untimely.[55]

Mr. Griffin brought several federal and state law claims to the Eastern District of North Carolina, but the district court ultimately awarded summary judgment to the defendant, finding that Mr. Griffin's federal claims were barred because he did not meet the exhaustion requirement.[56] Further, the court concluded that the grievance procedure made internal remedies fully available to him.[57] Mr. Griffin appealed the summary judgment order.[58]

LEGAL ISSUES AND OUTCOME

On appeal, Judge King, writing for a unanimous majority, vacated and remanded the lower court's decision for further proceedings.[59] The Fourth Circuit held that there were issues of material fact, specifically whether Mr. Griffin had administrative remedies available to him and whether he failed to

44. *Id.* at 333.
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id.*
49. *Id.*
50. *Id.* (citing Supplemental Joint Appendix at 5, *Griffin*, 56 F.4th 328 (No. 21-7362)).
51. *Id.*
52. *Id.*
53. *Id.*
54. *Id.*
55. *Id.*
56. *Id.* at 334.
57. *Id.*
58. *Id.*
59. *Id.* at 339.

meet the exhaustion requirement.[60] The court looked to *Ross v. Blake*,[61] which set out a three-factor test to determine whether a prison's grievance process and its remedies are not "capable of use to obtain some relief."[62]

Under *Ross*, a remedy "is not capable of use to obtain relief"

> (1) where the remedy "operates as a simple dead end," with prison officials "unable or consistently unwilling to provide any relief to aggrieved inmates"; (2) where an administrative scheme is "so opaque" that it is "practically . . . incapable of use" because "no ordinary prisoner can discern or navigate it"; and (3) where "prison administrators thwart inmates from taking advantage of a grievance process through machination, misrepresentation, or intimidation."[63]

The Court concluded that if there is no meaningful way for the incarcerated person to seek and obtain relief, the exhaustion requirement "does not come into play."[64]

The court in *Griffin* acknowledged that the parties tried their best to "make . . . sense of the grievance procedure's rules—and their seemingly inconsistent administration," but there were still questions about what caused Mr. Griffin's failure to exhaust and whether any remedies were actually "available" to him.[65] The court emphasized a point made by the defendant's attorney: that the attorney had "never seen a situation like this come up . . . where it doesn't appear directly in the record what happened."[66] Before addressing Mr. Griffin's claim that remedies were not available to him and the defendant's claim that Mr. Griffin failed to use them, the court addressed the many questions left unanswered about how the grievance process worked and how it was executed in real time.[67]

First, the court noted that the record provided no information about how incarcerated people are to appeal from a de facto denial.[68] Additionally, contradictory language in North Carolina's procedure says that de facto denials are automatically forwarded, yet also says that incarcerated people must appeal

60. *Id.* at 336–39.
61. 578 U.S. 632 (2016).
62. *Id.* at 643.
63. *Griffin*, 56 F.4th at 335 (quoting *Ross*, 578 U.S. at 643–44).
64. *Ross*, 578 U.S. at 643.
65. *Griffin*, 56 F.4th at 336.
66. *Id.* (quoting Oral Argument at 38:37, *Griffin*, 56 F.4th 328 (No. 21-7362), https://www.ca4.uscourts.gov/oral-argument/listen-to-oral-arguments [https://perma.cc/QTU4-2HH4]).
67. *Id.* at 336–37.
68. *Id.* ("Although the grievance procedure provides that appeals are ordinarily taken by checking a box on Form DC-410, what is the inmate to do when no response on that Form ever materializes—i.e., what mechanism is then used for an appeal?"). The court noted that to its surprise, there is nothing in the record indicating that anyone has ever appealed a de facto denial in the North Carolina prison system. *Id.* at 337 n.8.

decisions on the DC-410 form.[69] Second, the court expressed wariness of the defendant's claim and confirmed

> [t]he Central Prison defendants . . . have made no explanation as to why the lack of a formal written response . . . did not result in its automatic "forwarding" to "Step 2". . . . Put simply, these uncertainties . . . undermine the Central Prison defendants' core contention that Mr. Griffin's failure to appeal the Kosher diet grievance should be blamed.[70]

Third, the court stated that the question of exhaustion was "similarly muddied."[71] Since Mr. Griffin never received "any formal resolution of or response" to the sedation grievance, it was unclear to the court if his resubmission was untimely or not.[72] He initially filed the sedation grievance within the time limit, and the internal grievance procedure did not explain what happens if a timely filed grievance was rejected because of other pending grievances.[73] Finally, the court agreed that more information was needed to determine if the remedies were "capable of use."[74] Particularly, it found Mr. Griffin's case compelling because of "overlapping rules and deadlines . . . [that] invite at least an inference of 'thwarting' and 'machination' by prison officials."[75]

With so many questions left unanswered, the court dedicated much of its opinion to questioning North Carolina's procedure.[76] With "an abundance of loose ends feed[ing] into the question of whether administrative remedies were functionally available to Griffin," the court found that "the record leaves too much to speculation for us to now decide that Mr. Griffin's failure to exhaust the grievance procedure's remedies should be excused."[77] The court created a list of six unresolved issues of material fact and held that the district court prematurely awarded summary judgment to the defendants before remanding for more evidentiary investigation.[78]

69. *Id.* at 337.
70. *Id.*
71. *Id.*
72. *See id.*
73. *Id.*
74. *Id.*
75. *Id.* at 338 (acknowledging Mr. Griffin's argument that "'no ordinary prisoner can discern or navigate' the grievance procedure because it is 'so opaque'" (quoting Ross v. Blake, 578 U.S. 632, 643–44 (2016)).
76. *See id.* at 336–38.
77. *Id.* at 338.
78. *Id.* at 338–39.

LEGAL IMPLICATIONS

The Fourth Circuit's opinion revealed that PLRA and the internal appeals system of North Carolina have serious drawbacks.[79] It brought to light how confusing the system can be to people in the legal profession, let alone to incarcerated people who may have no history or education in the law. This opinion acknowledged the hurdles incarcerated persons face while fighting legal battles from inside prisons.[80] Although the court did not propose a solution, it did confirm that a complex and unnecessarily burdensome grievance process could mean that relief is unavailable to incarcerated persons.[81] This decision helped shift the narrative by assuming that incarcerated people make good-faith efforts to file according to the outlined procedures, instead of automatically dismissing claims when they do not perfectly follow the grievance process.[82]

However, the court was presented with an opportunity to consider the effectiveness of PLRA and its effect on legally cognizable claims. Judge King's reluctance to condemn the prison's actions shows that judges are wary to prescribe any changes to prison operations after the enactment of PLRA.[83] With PLRA essentially tying the hands of the courts,[84] broken systems can continue to hurt incarcerated people who deserve relief.[85] Further, it displays an unwillingness to address legislation with bad origins.[86] Thus, in the words of Ruth Bader Ginsburg: "Once again, the ball is in Congress' court."[87]

79. *See id.* at 332–37.

80. *See id.*

81. *See* Joseph Alvarado, *Keeping Jailers from Keeping the Keys to the Courthouse: The Prison Litigation Reform Act's Exhaustion Requirement and Section Five of the Fourteenth Amendment*, 8 SEATTLE J. FOR SOC. JUST. 323, 329 (2009) (explaining that rape, assault, and First Amendment claims have been effectively barred by different provisions of PLRA).

82. *See Griffin*, 56 F.4th *passim*. While not argued in this Case Brief, the court also had the chance to ask North Carolina to reconsider and rewrite its grievance procedure. Such a rewrite would make it much clearer what is expected on both ends and make the exhaustion requirements less burdensome for incarcerated people.

83. *See* Alison Brill, *Rights Without Remedy: The Myth of State Court Accessibility After the Prison Litigation Reform Act*, 30 CARDOZO L. REV. 645, 649 (2008) (explaining how PLRA significantly limited how federal judges can grant relief for complaints against an entire prison system).

84. *See generally* John Boston, *The Prison Litigation Reform Act: The New Face of Court Stripping*, 67 BROOK. L. REV. 429 (2001) (arguing PLRA inhibits the enforcement of constitutional rights and the ability of courts to adjudicate matters, and critiquing PLRA for "erod[ing] the principle of separation of powers[] and . . . drastically compromis[ing] the ideal of equal justice under law, creating a class of second-class litigants and second-class constitutional claims").

85. *See* David M. Alderstein, *In Need of Correction: The "Iron Triangle" of the Prison Litigation Reform Act*, 101 COLUM. L. REV. 1681, 1683 (2001).

86. *See* Ryan Lefkowitz, Note, *Prisoner's Dilemma—Exhausted Without a Place of Rest(itution): Why the Prison Litigation Reform Act's Exhaustion Requirement Needs To Be Amended*, 20 ST. MARY'S L. REV. ON RACE & SOC. JUST. 189, 194–97 (2018) (explaining the origins of PLRA and the mistaken data presented by legislators during congressional discussion). Additionally, the author suggests courts use a good-faith effort by incarcerated people instead of the exhaustion requirement. *Id.* at 210–14.

87. Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618, 661 (2007) (Ginsburg, J., dissenting).

While the U.S. Supreme Court has continually validated PLRA,[88] scholars have long questioned the exhaustion requirement and PLRA as a whole.[89] In the wake of criminal legal reform, we must understand that what was packaged to the country as "crime reform," such as the war on drugs, was rooted in racist rhetoric and meant to target Black and Brown communities. Thus, it is time to address why incarcerated people's legal claims are so heavily burdened. Not only did PLRA try to solve a problem that was not actually there,[90] but it has also created an array of unintended consequences.[91] Legislators could use their power to reform PLRA or completely abolish it, something that has been asked of Congress repeatedly.[92] As long as PLRA continues to put up barriers that frustrate an incarcerated person's ability to bring their cases before a court, it remains an affront to justice.

Although the Fourth Circuit took an important step in addressing the serious problems in North Carolina's internal appeals system, it did little to condemn PLRA's exhaustion requirement, and the Act as a whole. By leaving this issue on the table, the court defers to an ineffective piece of legislation, a mirror reflecting the low value America has placed on incarcerated people. To

88. For example, the Supreme Court has held that incarcerated people must comply with the exhaustion requirement, regardless of whether the state's system offers the type of relief an incarcerated person wants. *See* Booth v. Churner, 532 U.S. 731, 741 (2001). Further, the Supreme Court held that exhaustion means going through "all steps that the agency holds out, and doing so properly." Woodford v. Ngo, 548 U.S. 81, 90 (2006) (quoting Pozo v. McCaughtry, 286 F.3d 1022, 1024 (7th Cir. 2002)).

89. *See, e.g.*, Margo Schlanger & Giovanna Shay, *Preserving the Rule of Law in America's Jails & Prisons: The Case for Amending the Prison Litigation Reform Act*, 11 U. PA. J. CONST. L. 139, 140–42, 148–52 (2008); Anna Rapa, Comment, *One Brick Too Many: The Prison Litigation Reform Act as a Barrier to Legitimate Juvenile Lawsuits*, 23 T.M. COOLEY L. REV. 263, 270–71 (2006); Darryl M. James, Comment, *Reforming Prison Litigation Reform: Reclaiming Equal Access to Justice for Incarcerated Persons in America*, 12 LOY. J. PUB. INT. L. 465, 466–69 (2011).

90. *See* Alderstein, *supra* note 85, at 1681 ("To stem this *perceived flood* of frivolous litigation, Congress enacted the Prison Litigation Reform Act." (emphasis added)).

91. *See* Alvarado, *supra* note 81, at 329; *see also* James E. Robertson, *"One of the Dirty Secrets of American Corrections": Retaliation, Surplus Power, and Whistleblowing Inmates*, 42 U. MICH. J.L. REFORM 611, 613–15, 644–47 (2009) (finding that incarcerated people seeking to sue prison officials are often retaliated against and that the exhaustion requirement has "favorably influenced the cost-benefit ratio of correctional officer retaliation by enhancing the benefit").

92. People across the legal field have raised concerns over PLRA, including liberty groups, Congress members, the American Bar Association, and judges. *See, e.g.*, Press Release, ACLU, House Introduces Crucial Prison Litigation Reform Legislation (Dec. 16, 2009, 12:00 AM), https://www.aclu.org/press-releases/house-introduces-crucial-prison-litigation-reform-legislation [https://perma.cc/4ML4-GXJB (staff-uploaded archive)] (discussing a bill introduced by Congressman Robert Scott to reform parts of PLRA); AM. BAR ASS'N CRIM. JUST. SECTION, REPORT TO THE HOUSE OF DELEGATES 1 (2007) (recommending changes to the exhaustion requirement of PLRA, among other things); Hyche v. Christensen, 170 F.3d 769, 771 (7th Cir. 1999) (Evans, J., concurring) ("Is this what Congress intended? I don't think so. I always thought the PLRA was supposed to make . . . litigation more efficient. If that's its goal, and this sort of thing is its result, Congress should go back to the drawing board."), *overruled by* Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000).

enforce PLRA is to confirm the idea that American systems are based on cruelty and abuse, rather than care and compassion.

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** J.D. Candidate, Class of 2024. This piece is dedicated to my dad, for always inspiring me and modeling what empathy for everyone looks like. I would like to thank Professor Steve Miller for mentoring me and giving me the opportunity to work with incarcerated people. I would not have the same path without you. Thank you to all of the amazing incarcerated folks I have worked with for sharing their stories and struggles so openly. I also want to thank my mom and sister as well as my partner for always supporting me. Finally, to my closest friend, Allison, thank you for the endless love and for always believing in me.