The Prison Litigation Reform Act of 1996

Selected Sources

By Janice Selberg

The 1996 Prison Litigation Reform Act, 42 USC section 1997e, was passed to address a perceived need to curtail frivolous prisoner lawsuits. Stories, perhaps apocryphal, were widely publicized and cited by members of Congress as grounds for ending the “inmate litigation fun-and-games.”

As the sources included in this resource guide reveal, in regard to the curtailment of prisoner suits—meritorious and otherwise—the Prison Litigation Reform Act has been an enormous success. It has also presented fundamental issues of civil rights, separation of powers, and primary constitutional protections.

Considering the political climate in which the act was approved, the legislative history might be instructive. A compiled legislative history is on Margo Schlanger’s University of Michigan Law School faculty page. Prof. Schlanger, an authority on civil rights issues and civil and criminal detention and director of the Civil Rights Litigation Clearinghouse, is the author and coauthor of numerous studies and law-review articles on the Prison Litigation Reform Act. Some of these are listed in the following sources.

Michigan’s Prison Litigation Reform Act, MCL 5501–5531, was held in 2015 to require dismissal of a prisoner lawsuit when the plaintiff does not disclose all civil actions and appeals the prisoner has filed.

The following is a list of resources meant to acquaint the researcher with the significant issues and status of the Prison Litigation Reform Act.

- Brocco, Facing the Facts: The Guarantee Against Cruel and Unusual Punishment in Light of PLRA, Iqbal, and PREA, 16 J Gender, Race, and Just 917 (2013)
- Doran, Lawsuits as Information: Prisons, Courts, and a Troika Model of Petition Harms, 122 Yale L J 1065 (2013)
- Finkenstadt, Representing Prisoner Clients: Prison Litigation Reform Act, 44 Maryland Bar J 58 (2011)

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• McCollum, Prison Litigation Reform Act: Should Prisoners be Required to Exhaust Administrative Remedies When They Seek a Form of Relief Not Available Under Prison Procedures?, 31 Cumber L Rev 369 (2001)


• McKirgan, Under-Regulation in the State Prison Food System: Consequences and a Proposal for Change, 9 J Food L & Pol 275 (2013)

• Mikkor, Correcting for Bias and Blind Spots in PLRA Exhaustion Law, 21 Geo Mason L Rev 573 (2014)


• Murtaugh, The PLRA’s Dividing Language: Statutory Interpretation and Applying Attorney’s Fees Cap at the Appellate Level, 59 St Louis Univ L J 219 (2014)

• Mushlin, Unlocking the Courthouse Door: Removing the Barrier of the PLRA’s Physical Injury Requirement to Permit Meaningful Judicial Oversight of Abuses in Supermax Prisons and Isolation Units, 24 Fed Sent Rep 268 (2012)

• Newell, An Irrational Oversight: Applying the PLRA’s Fee Restrictions to Collateral Prisoner Litigation, 15 CUNY L Rev 53 (2011)


• Parkin, Aging Injunctions and the Legacy of Institutional Reform Litigation, 70 V and L Rev 167 (2017)


• Robertson, The Jurisdiction of the PLRA: Inmates as “Outsiders” and the Counter-majoritarian Difficulty, 92 J Crim L & Crim 187 (2001)


• Schlanger, Trends in Prisoner Litigation, as the PLRA Enters Adulthood, 5 UC Irvine L Rev 153 (2015)

• Schmookler, Prisoners’ First Amendment Antidote to Civil Death After PLRA, 49 Cal West L Rev 195 (2013)
