Order

Michigan Supreme Court
Lansing, Michigan

December 19, 2025

167262 & (100)

NAKYRRA HOGAN, ANNETTE MARTIN, SHANNA KATRELL MCELROY, LISA MOORE, KRISTA ANSON, KRYSTLE ANN BEGLEY, RACHEL LYNN MILLER, NADAWA ALI, ARNEATA CHANTELL COBBS, JORDAN SEPULVEDA, and NICHOLE THOMAS, on Behalf of Themselves and All Others Similarly Situated,
Plaintiffs-Appellants,

v

SC: 167262
COA: 362259
Wayne CC: 20-016367-CZ

WAYNE COUNTY, WAYNE COUNTY SHERIFF, and WAYNE COUNTY DEPUTY SHERIFF,
Defendants-Appellees.

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On November 5, 2025, the Court heard oral argument on the application for leave to appeal the May 30, 2024 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(I)(1). In lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals and REMAND this case to the Wayne Circuit Court for further proceedings consistent with this order. Further, plaintiffs' pending motion for substitution of party is DENIED without prejudice to plaintiffs filing such a motion in the circuit court on remand.[1]

In 2020, plaintiffs, current and former inmates housed in the Wayne County Jail, filed a putative class action, alleging, in part, that defendants created a sexually hostile prison environment in violation of the Elliott-Larsen Civil Rights Act (ELCRA), MCL 37.2101 *et seq.* On April 27, 2022, the trial court granted defendants' renewed motion for summary disposition against all but one plaintiff, concluding that all other plaintiffs were subject to the requirements of the prison litigation reform act (PLRA), MCL 600.5501 *et*

[1] On October 28, 2025, plaintiffs' counsel filed a notice and motion in this Court, advising that plaintiff Krista Anson died on January 16, 2025, and requesting to substitute the personal representative of her estate as a party.

seq.,[2] and failed to comply with those requirements. As a result, the trial court dismissed those plaintiffs' claims with prejudice.[3]

The Court of Appeals granted plaintiffs' application for leave to appeal, and in an unpublished per curiam opinion, it affirmed in part, reversed in part, and remanded the case to the trial court for further proceedings. *Hogan v Wayne Co*, unpublished per curiam opinion of the Court of Appeals, issued May 30, 2024 (Docket No. 362259). Relevant here, the panel held that the trial court did not err by granting dismissal with prejudice as to plaintiffs who were "prisoners" for purposes of the PLRA at the time of the filing of the lawsuit.[4] *Id*. at 10-13. Relying on *Doe v Dep't of Corrections*, 312 Mich App 97 (2015), vacated in part on other grounds 499 Mich 886 (2016), the Court of Appeals explained that because the PLRA requires the dismissal of complaints that do not satisfy the statute's procedural requirements, the dismissal must be with prejudice, *Hogan*, unpub op at 11-12. Plaintiffs sought leave to appeal in this Court, and we ordered oral argument on the application regarding whether the PLRA requires that claims be dismissed with prejudice if its procedural requirements are not satisfied and whether plaintiff Krista Anson was a "prisoner" under the PLRA.[5] *Hogan v Wayne Co*, 21 NW3d 210 (2025).

This Court reviews de novo both the interpretation of statutes and a trial court's decision on a motion for summary disposition. *McQueer v Perfect Fence Co*, 502 Mich 276, 285-286 (2018).

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[2] The trial court determined that plaintiff Arneata Cobbs was not subject to the PLRA because she was released from custody and had completed her sentence when the complaint was filed. As a result, the court denied defendants' motion for summary disposition as to her claims.

[3] In the same order, the trial court denied plaintiffs' second renewed motion for class certification.

[4] The Court of Appeals also held that "those plaintiffs who were on probation or parole, and not physically incarcerated, at the time of the filing of the lawsuit are not 'prisoners' for purposes of the PLRA," and reversed the trial court's grant of summary disposition with respect to that group. *Hogan*, unpub op at 8-10. The Court of Appeals further concluded "that those plaintiffs who were previously incarcerated at the Wayne County Jail but at the time of the filing of this lawsuit were incarcerated elsewhere are still within the definition of 'prisoner' and were required to satisfy the requirements of the PLRA." *Id*. at 10. We do not disturb these portions of the judgment.

[5] The trial court concluded that plaintiff Anson was a "prisoner" under the PLRA, and the Court of Appeals did not address the question.

We first address whether dismissal of a claim based on failure to comply with the PLRA must be with prejudice. Under the PLRA, a prisoner must satisfy certain requirements before they may initiate a civil action concerning prison conditions. Relevant here, the PLRA requires prisoners to disclose previous lawsuits they have initiated, MCL 600.5507(2), and to "exhaust[] all available administrative remedies" before filing suit, MCL 600.5503(1). MCL 600.5507(3)(b) further provides that "[t]he court shall dismiss a civil action or appeal at any time . . . if the court finds" that "[t]he prisoner fail[ed] to comply with the disclosure requirements of [MCL 600.5507(2)]." The Court of Appeals here held that, because plaintiffs failed to comply with the PLRA disclosure requirements, their claims *must* be dismissed *with* prejudice. *Hogan*, unpub op at 10-13. We disagree.

Nothing in the statutory language of the PLRA directs the trial court to dismiss a case with prejudice for failure to comply with the PLRA's procedural requirements. "The principal goal of statutory interpretation is to give effect to the Legislature's intent, and the most reliable evidence of that intent is the plain language of the statute." *South Dearborn Environmental Improvement Ass'n, Inc v Dep't of Environmental Quality*, 502 Mich 349, 360-361 (2018). While the PLRA states that "[t]he court *shall* dismiss a civil action" for failure to comply with the PLRA's disclosure requirements, MCL 600.5507(3)(b) (emphasis added), this statutory directive simply indicates that the trial court has no discretion in dismissing the action. Nothing in the language of the statute suggests that dismissal must be with prejudice.[6] The Court of Appeals erred by holding that because MCL 600.5507(3)(b) uses the mandatory term "shall," instead of a discretionary term, the dismissal must be with prejudice. *Hogan*, unpub op at 10-13.[7] Reading the mandatory dismissal language in MCL 600.5507(3)(b) to require mandatory dismissal *with prejudice* inserts an additional requirement into the statute that the Legislature did not include. See *Koontz v Ameritech Servs, Inc*, 466 Mich 304, 312 (2002) ("Because the proper role of the judiciary is to interpret and not write the law, courts simply lack authority to venture beyond the unambiguous text of a statute.").[8] Accordingly, we hold that the PLRA does

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[6] Likewise, MCL 600.5503(1) requires prisoners to exhaust all administrative remedies before filing suit but is silent as to the consequences of failing to satisfy this requirement.

[7] The Court of Appeals relied on *Doe* for support for this holding, but *Doe*, 312 Mich App at 114, simply held that dismissal was required under the plain language of MCL 600.5507(3). The Court of Appeals in *Doe* did not hold that this mandatory dismissal must be with or without prejudice.

[8] We further note that the Legislature has explicitly required dismissal with prejudice in other circumstances but declined to do so here. See, e.g., MCL 600.2955b(1) (requiring a court to "dismiss with prejudice" certain actions regarding injuries incurred during the commission of a felony); MCL 780.133 (instructing that "the court shall enter an order dismissing . . . with prejudice" in the context of the 180-day rule). "Courts cannot assume

not require dismissal with prejudice when a plaintiff fails to comply with the statute's procedural requirements for filing suit.[9] Of course, nothing in this order affects a trial court's discretionary authority to dismiss a claim with prejudice when the circumstances justify such a sanction; rather, we hold that dismissal with prejudice is not *required* for failure to comply with the PLRA's procedural requirements. See *Ottgen v Katranji*, 511 Mich 223, 238-240 (2023).

The remaining issue at hand relates to plaintiff Anson's status as a prisoner. In order to make a claim under the PLRA, the plaintiff must qualify as a "prisoner," which MCL 600.5531(e) defines as "a person subject to incarceration, detention, or admission to a prison who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of state or local law or the terms and conditions of parole, probation, pretrial release, or a diversionary program." The lower courts did not consider whether plaintiff Anson was "subject to" incarceration or detention at the time that the underlying complaint was filed, thus subjecting her to the requirements of the PLRA. Here, plaintiff Anson was booked into the Wayne County Jail on the same day the complaint was filed, December 16, 2020. The complaint was filed at 1:25 p.m., while the booking sheet indicates Anson was booked at 8:43 p.m. However, nothing in the record indicates the time she was initially subject to incarceration or detention. As a result, there is an unresolved question of fact as to whether plaintiff Anson was a "prisoner" under the PLRA at the time the complaint was filed. We therefore direct the trial court to resolve this question on remand.

For the reasons explained above, we reverse the portion of the Court of Appeals' judgment addressing dismissal with prejudice and hold that there is an open question of fact as to whether plaintiff Krista Anson was a "prisoner" under the PLRA when the

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that the Legislature inadvertently omitted from one statute the language that it placed in another statute, and then, on the basis of that assumption, apply what is not there." *Farrington v Total Petroleum, Inc*, 442 Mich 201, 210 (1993).

[9] Our conclusion is consistent with the federal courts' approach to claims brought under the PLRA's federal counterpart that fail to comply with the statute's procedural requirements. See, e.g., *Does 8–10 v Snyder*, 945 F3d 951, 955 (CA 6, 2019).

operative complaint was filed. We remand this case to the trial court for further proceedings consistent with this order. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.