

Jones v. Block
Prisoner (P) v. State (D)
127 S. Ct. 910 (2007).

NATURE OF CASE: Appeal to Supreme Court on issue of pleading requirements.

RULE OF LAW: A plaintiff need not plead and demonstrate exhaustion of administrative remedies in the complaint.

FACTS: Lorenzo Jones (P) was a prisoner in Michigan. He sued the state after he suffered injuries in custody when the staff refused to reassign him to work he could perform in light of his injuries.

ISSUE: Must a plaintiff plead and demonstrate exhaustion of administrative remedies in the complaint.

HOLDING AND DECISION: (Roberts, J) No. A plaintiff need not plead and demonstrate exhaustion of administrative remedies in the complaint. Federal Rule of Civil Procedure do not require that exhaustion be pleaded, and Rule 8(c) identifies a non-exhaustive list of affirmative defenses that must be pleaded in response, leaving room for exhaustion as an affirmative defense. In addition, the Prison Litigation Reform Act, which deals extensively with the subject of exhaustion, is silent on the issue whether exhaustion must be pleaded by the plaintiff, or as an affirmative defense by the defendant. This supports the fact that the usual practice should be followed, and the usual practice under the Federal Rules is to regard exhaustion as an affirmative defense. The reasons behind the decisions of some lower courts to impose a pleading requirement on plaintiffs in this context, which are to separate, when it comes to prisoner suits, those claims that have merit and those that have none and will merely clog the process, are understandable. But the way to establish higher pleading requirements is to amend the rules, not on a case-by-case basis in courts.

ANALYSIS: The outcome of this case is in keeping with the Roberts Court's general idea that policy considerations and courts should not expand the requirements of the Federal Rules of Civil Procedure. The general belief is that expansion of the Rules should be made through the Rules amendment process.