No.

In the Supreme Court of the United States

BRIAN ESTRADA, PETITIONER,

v.

JACOB SMART

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In *SEC v. Jarkesy*, 603 U.S. 109 (2024), the Court held that a jury must decide claims that are "legal in nature," which are assessed based on historical analogy and the remedy sought, with "money damages" being the "prototypical common law remedy." *Id.* at 122-23.

Petitioner Brian Estrada brought suit under 42 U.S.C. § 1983, alleging excessive force and seeking money damages. Despite Mr. Estrada bringing a claim that was legal in nature, the Tenth Circuit found that a judge, not a jury, should decide issues of fact related to whether Mr. Estrada's suit should be dismissed for failure to exhaust administrative remedies.

The questions presented are:

1. Whether the Seventh Amendment's right to a trial by jury extends to issues of fact related to the exhaustion of administrative remedies. This question is presented in the merits briefing in *Perttu v. Richards*, No. 23-1324, scheduled for argument on February 25, 2025.

2. Whether a courthouse shooting is a "prison condition," as that term is used in 42 U.S.C. § 1997e(a).

RELATED PROCEEDINGS

United States District Court (D. Colo.):

Estrada v. Smart, No. 20-CV-00549-WJM-STV (May 3, 2023) (order granting motion for summary judgment for failure to exhaust administrative remedies)

United States Court of Appeals (10th Cir.):

Estrada v. Smart, No. 23-1189 (July 16, 2024) (affirming denial of summary judgment)

Estrada v. Smart, No. 23-1189 (Sept. 11, 2024) (denying petition for rehearing *en banc*)

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The opinion of the court of appeals (Pet. App. 1a-26a) is reported at 107 F.4th 1254. The opinion of the district court (Pet. App. 27a-43a) is unreported but available at 2023 WL 3224589. The order of the court of appeals denying rehearing *en banc* (Pet. App. 44a) is unreported.

JURISDICTION

The judgment of the court of appeals was entered on July 16, 2024. Pet. App. 1a. The court of appeals denied a timely petition for rehearing *en banc* on September 11, 2024. Pet. App. 44a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are reproduced in the Appendix (Pet. App. 45a-50a).

STATEMENT OF THE CASE

This case presents an issue of constitutional importance that will impact the rights of any litigant subject to an administrative exhaustion regime: whether the Seventh Amendment requires a jury to resolve disputes of fact relating to exhaustion. The Seventh Amendment preserves the right to trial by jury "[i]n Suits at common law, where the value in controversy shall exceed twenty dollars." Pet. App. 45a. Last term, this Court upheld the Seventh Amendment's application for all claims that are "legal in nature," such as a suit seeking money damages. *SEC v. Jarkesy*, 603 U.S. 109, 122 (2024).

Petitioner Brian Estrada's civil rights suit, seeking money damages to compensate him after he was repeatedly shot—while unarmed and shackled—by a state employee, was dismissed when a judge, not a jury,

decided factual questions related to exhaustion. Mr. Estrada urged the Tenth Circuit to recognize that issues of fact related to exhaustion should be decided by a jury, but the Tenth Circuit disagreed, without even mentioning the Seventh Amendment.

This Court has already recognized the importance of the question presented. It granted a writ of certiorari in *Perttu v. Richards*, No. 23-1324, and that case is currently scheduled for argument on February 25, 2025. The question presented in that case asks whether, in cases subject to the Prison Litigation Reform Act (PLRA), prisoners have a right to a jury trial concerning their exhaustion of administrative remedies where disputed facts regarding exhaustion are intertwined with the underlying merits of their claim. In that case, the petitioner argues that the Seventh Amendment right to trial by jury never extends to factual issues related to exhaustion. In contrast, respondent's brief argues (as a potential path to decision) that the Seventh Amendment right to trial by jury always extends to factual issues related to exhaustion. Thus, the question presented here is likely to be resolved by the Court's determination in *Perttu*. This Court should hold this petition pending resolution of that case.

A. Legal Background

1. Blackstone referred to the right to trial by jury as "the glory of the English law," 3 William Blackstone, *Commentaries on the Laws of England* 379 (8th ed. 1778), having existed for centuries in the context of criminal cases. The jury right was so critical to freedom and liberty that the English Crown's curtailment of the right fueled the American Revolution. *See Erlinger v. United States*, 602 U.S. 821, 829 (2024). And, after the Revolution was won, the Founders recognized the right to a trial by jury must be protected in both criminal and civil cases. Alexander Hamilton noted that one of the "most

success[ful]" critiques of the proposed Constitution was that it lacked a provision for trial by jury in civil cases. *Jarkesy*, 603 U.S. at 121-22 (quoting The Federalist No. 83, at 495).

The Seventh Amendment was the answer to that critique. The amendment guarantees that "[i]n Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." Pet. App. 45a. For nearly two centuries, this amendment has been "construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the peculiar form which they may assume to settle legal rights." *Parsons v. Bedford, Breedlove & Robeson*, 28 U.S. (3 Pet.) 433, 447 (1830) (Story, J.); *see also id.* (noting the Judiciary Act of 1789 provided that "the trial of *issues in fact* … in all causes, except civil causes of admiralty and maritime jurisdiction, shall be by jury" (emphasis added)).

2. Under the Seventh Amendment, "in the absence of express or implied consent to the contrary, issues of law are to be resolved by the court and issues of fact are to be determined by the jury under appropriate instructions by the court." *Baltimore & Caroline Line v. Redman*, 295 U.S. 654, 657 (1935); 9 Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2302 (4th ed.).

The line dividing law and fact disputes has not always been easy to demarcate, however. In *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996), the Court clarified that the relevant question is "whether a particular issue occurring within a jury trial … is itself necessarily a jury issue, the guarantee being essential to preserve the right to a jury's resolution of the ultimate dispute." *Id.* at 377. In answering this question, the Court stated that "the sounder course, when available, is to

classify a mongrel practice … by using the historical method, much as we do in characterizing the suits and actions within which they arise." *Id.* at 378. "Where there is no exact antecedent, the best hope lies in comparing the modern practice to earlier ones whose allocation to court or jury we do know, seeking the best analogy we can draw between an old and the new." *Id.* (citations omitted).

Thus, in *Markman* and in the years since, courts turn to history to determine whether a particular issue must be decided by a jury. If there is an "established jury practice sufficient to support an argument by analogy" for a more modern issue being decided by the jury, then the issue must be decided by a jury. *Id.* at 380.

3. Last term, this Court further clarified the Seventh Amendment's reach. In *SEC v. Jarkesy*, the Court considered the question of whether, under the Seventh Amendment actions seeking civil monetary penalties must be brought before a jury in federal court. 603 U.S. at 115. This Court held that actions seeking civil monetary penalties must be decided by juries. *Id.* at 125.

The Court discussed the historical understanding of the Amendment, and then explained that "[t]he Seventh Amendment extends to a particular statutory claim if the claim is 'legal in nature.'" *Id.* at 122 (citation omitted). And that "whether that claim is statutory is immaterial to this analysis." *Id.* Under its precedents, the Court explained, "[t]o determine whether a suit is legal in nature, we directed courts to consider the cause of action and the remedy it provides." *Id.* at 122-23. "Since some causes of action sound in both law and equity, we concluded that the remedy was the 'more important' consideration." *Id.* at 123 (citation omitted).

The Court then turned its attention to the civil penalties the SEC sought, and explained, "[i]n this case, the remedy is all but dispositive." *Id.* "For respondents' alleged fraud, the SEC seeks civil penalties, a form of

monetary relief." *Id.* "While monetary relief can be legal or equitable, money damages are the prototypical common law remedy." *Id.* The Court continued "we have recognized that 'civil penalt[ies are] a type of remedy at common law that could only be enforced in courts of law.'" *Id.* (alteration in original) (citation omitted). The Court held that because "money damages are the prototypical common law remedy" the SEC is required to bring actions seeking civil penalties in federal courts and have them decided by juries. *Id.* at 123-25.

B. Factual Background

1. In May 2018, petitioner Brian Estrada was incarcerated at the Sterling Correctional Facility. Pet. App. 28a. The Sterling Correctional Facility was a Colorado Department of Corrections (CDOC) facility, and respondent Officer Jacob Smart was a correctional officer with the CDOC. Pet. App. 28a. On May 30, 2018, Officer Smart strip searched Mr. Estrada and transported him to the Logan County Courthouse for a judicial proceeding. Pet. App. 3a, 15a; C.A. App. AA11.[1]

Mr. Estrada's hands and ankles were shackled while he was in the courtroom for his proceeding, and several law enforcement personnel were present in the courtroom. Pet. App. 3a, 15a. Despite the shackles, Mr. Estrada attempted to leave the second-floor courtroom. Pet. App. 3a. While he shuffled toward the courtroom door, a correctional officer stood up and pushed him with one hand in an effort to prevent Mr. Estrada from leaving. C.A. App. AA14, AA17. Mr. Estrada fell to the ground and lost a shoe. C.A. App. AA15. Undeterred, he stood back up and resumed his shuffle towards the courtroom door.

[1] "C.A. App. AA#" denotes references to the Tenth Circuit Court of Appeals Appendix, which appears at docket no. 25 on the Court of Appeals docket.

C.A. App. AA15. As all corrections officers on the scene were aware, Mr. Estrada, one-shoed and shackled, would need to shuffle down from the second floor to the first floor, out the courthouse door, and down the courthouse steps in order to escape. *See* Pet. App. 3a; C.A. App. AA15. And, as prior events demonstrated, Mr. Estrada's progress could be stymied by a simple push.

Officer Smart, in particular, knew Mr. Estrada posed a minimal threat. Because Officer Smart had strip searched Mr. Estrada before transporting him to the courthouse, he knew Mr. Estrada was unarmed. Pet. App. 3a; C.A. App. AA11. Officer Smart was also aware of the long journey Mr. Estrada would need to make out of the courthouse (while shackled) and the number of other law enforcement officers in both the courtroom and the courthouse. *See* Pet. App. 3a, 15a. Further, Officer Smart possessed a taser that could easily restrain Mr. Estrada. *See* Pet. App. 18a-19a.

Despite all these facts, Officer Smart drew his gun and fired four shots at the one-shoed, doubly shackled Mr. Estrada, hitting him three times. Pet. App. 2a, 3a, 18a-19a. Mr. Estrada suffered two gunshot wounds to his chest, one to his right hand, and one to his right bicep. C.A. App. AA19. No other officer present drew their weapon, and the incident took place entirely within the Logan County Courthouse. Pet. App. 3a, 15a. The courthouse is miles from the Sterling Correctional Facility.

2.a. In February 2020, Mr. Estrada filed suit under 42 U.S.C. § 1983, alleging that Officer Smart acted with excessive force in violation of the Eighth Amendment. Pet. App. 2a, 29a, 36a. Officer Smart moved to dismiss, claiming qualified immunity, and the district court denied the motion, finding it was clearly established that the use of deadly force on an unarmed, restrained prisoner violated the Eighth Amendment. Pet. App. 4a.

After limited discovery, Officer Smart moved for summary judgment on the narrow issue of administrative exhaustion. Pet. App. 4a. He argued that Mr. Estrada failed to exhaust the CDOC's administrative grievance procedures before filing his civil rights suit. Pet. App. 4a. Officer Smart's entire argument for dismissal relied on the premise that the CDOC grievance policy applied to incidents that occurred wholly outside a CDOC facility. Pet. App. 33a-34a.

Mr. Estrada opposed the motion, arguing that a CDOC grievance policy did not apply to a courthouse shooting, so he did not have any available administrative remedies to exhaust prior to filing suit. Pet. App. 34a.

b. The district court ruled for Officer Smart and dismissed Mr. Estrada's suit for failure to exhaust. Pet. App. 43a. First, the court held "the trial court—not a jury—should act as factfinder and resolve any factual disputes as to whether the plaintiff properly exhausted administrative remedies, rather than delegating resolution of those factual disputes to the jury by construing them in favor of the non-moving party, as is typical" when deciding a summary judgment motion. Pet. App. 33a. The district court did not ask whether a reasonable jury could rule in Mr. Estrada's favor—the relevant standard under Rule 56 of the Federal Rules of Civil Procedure—and it did not hold an evidentiary hearing before ruling against Mr. Estrada.

The district court then found that the PLRA's exhaustion requirement applied to Mr. Estrada's suit because he "was a convicted inmate in the CDOC when Defendant shot him while trying to escape from the courthouse." Pet. App. 36a. The CDOC Policy specifically applied, according to the district court, because it did not include any express limitation to incidents that occur within the facility. Pet. App. 38a. Again, the district court did not ask whether a reasonable jury could find that Mr.

Estrada would understand the prison policy to apply to a courthouse shooting—a key factual question.

3.a. Mr. Estrada appealed, and the Tenth Circuit affirmed the grant of summary judgment to Officer Smart. The panel first held that, "in a prisoner case involving the defense of failure to exhaust, a district court should, before trial, resolve all disputed issues of law and fact that are not intertwined with the merits of the claim." Pet. App. 11a. In reaching this conclusion, the panel noted that the PLRA's text makes exhaustion a precondition to suit. Pet. App. 9a. The court did not mention the Seventh Amendment, nor did it examine whether the Seventh Amendment required a jury determination here, through history, the *Markman* test, or any other means.

After determining that a judge was the proper arbiter of exhaustion, the panel held that the PLRA extended to incidents outside a prison, finding that a shooting inside a courthouse was a "prison condition" that triggers PLRA exhaustion. Pet. App. 12a-15a. In so holding, the panel elided the plain text of the governing statute and instead "import[ed] the [18 U.S.C.] § 3626(g)(2) definition to the [42 U.S.C.] § 1997e(a) exhaustion requirement." Pet. App. 14a. Using § 3626(g)(2)'s definition of "prison conditions," the panel held that "[f]or Estrada, on the day of the May 2018 courthouse shooting, the Logan County courthouse functioned as a 'prison.'" Pet. App. 15a. The panel also noted that Mr. Estrada's failure to exhaust "subvert[ed] a major purpose of the PLRA: to improve the overall conditions of confinement by drawing immediate attention to prisoner treatment issues as they occur," thereby denying prison officials an opportunity to remedy Officer Smart's constitutional violation in the first instance. Pet. App. 18a-20a. The panel then held that the CDOC Policy reached instances outside a prison, Pet. App. 23a, and that Mr. Estrada waived any argument that the CDOC Policy was too opaque so as to dispense

with an exhaustion requirement as a factual matter. Pet. App. 25a-26a.

b. While Mr. Estrada's appeal was pending, this Court decided *SEC v. Jarkesy*, 603 U.S. 109 (2024). Arguing that the panel should have considered *Jarkesy*'s discussion of the Seventh Amendment and the jury trial right, Mr. Estrada filed a timely petition for rehearing. That petition was denied. Pet. App. 44a.

REASONS FOR GRANTING THE PETITION

I. THE COURT SHOULD HOLD THE PETITION PENDING RESOLUTION OF *PERTTU V. RICHARDS*

This Court should hold this petition pending resolution of *Perttu v. Richards*, which will be argued on February 25, 2025. The question presented in this case will likely be resolved by this Court's decision in *Perttu*. Like *Perttu*, this case involves a prisoner suit, brought under § 1983, that was decided on a motion for summary judgment asserting failure to exhaust administrative remedies. In both cases, the district court ruled that judges, not juries, can decide factual questions related to exhaustion. In this case, the Tenth Circuit affirmed that finding, but in *Perttu*, the Sixth Circuit reversed and held that the district court should have ordered a jury trial on the issue of exhaustion rather than an evidentiary hearing.

Because *Perttu* was decided prior to this case and its review has already been granted by this Court, the Court should hold this petition pending the disposition of *Perttu*, and then dispose of this petition as appropriate.[2]

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[2] If the Court resolves *Perrtu* on narrower grounds than holding that the Seventh Amendment right to trial by jury always extends to factual issues related to exhaustion, the Court should GVR here nonetheless. The legal analysis in *Perrtu* will affect the appropriate analysis of the question presented here. The Tenth Circuit should

II. ALTERNATIVELY, THIS COURT SHOULD GRANT PLENARY REVIEW

In the alternative, this Court should grant plenary review to correct the Tenth Circuit's atextual expansion of the PLRA's exhaustion provision.

1.a. The PLRA provides, "No action shall be brought *with respect to prison conditions* … by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a) (emphasis added). This Court has told courts to "adhere[] to the PLRA's text," *Ross v. Blake*, 578 U.S. 632, 640 n.1 (2016), because "[t]he question in all cases is one of statutory construction, which must be resolved using ordinary interpretative techniques." *Id.* at 642 n.2. Ordinary statutory interpretation means starting with "the statutory language, assuming that the ordinary meaning of that language accurately expresses the legislative purpose." *Hardt v. Reliance Std. Life Ins. Co.*, 560 U.S. 242, 251 (2010) (cleaned up).

Per the PLRA's "plain and unambiguous statutory language," *id.*, the exhaustion requirement applies only to those complaints "brought with respect to *prison conditions*." 42 U.S.C. § 1997e(a) (emphasis added). At the time of the PLRA's passage, the word "condition" meant a "state of matters, circumstance." *Condition*, *Oxford English Dictionary* (2d ed. 1989). "Prison condition" thus refers to prison matters or circumstances. In *Porter v. Nussle*, this Court built off that dictionary definition and clarified that "prison conditions" includes both "general circumstances or particular episodes" that relate to "prison life." 534 U.S. 516, 532 (2002). Key to the

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have the first opportunity to determine whether the reasoning in *Perrtu* dictates a different outcome in this case.

definition was the connection to prison life—a connection that is absent here.

The actions giving rise to this lawsuit did not happen inside a prison, and this lawsuit does not concern prison conditions. Mr. Estrada filed suit because he was shot miles from a prison. His claim does not relate to his life in prison or anything that happened to him *in* the prison at all. Mr. Estrada was shot at a courthouse—a building managed by an entirely different branch of government. On the day of the shooting, he was at the courthouse for a pre-trial hearing in a pending criminal case. He was not at the courthouse at the behest of the CDOC or because of anything that occurred within the prison. The judicial system required him to be there. Nothing that occurred in the courthouse can be fairly characterized as a "*prison* condition."

In light of these undisputed facts and the plain meaning of the limiting phrase "with respect to prison conditions," this is not the kind of suit for which Congress intended the PLRA's exhaustion requirement to apply—but the Tenth Circuit nevertheless held that it does apply. The Tenth Circuit elided the plain text of the governing statute and instead "import[ed] the [18 U.S.C.] § 3626(g)(2) definition to the [42 U.S.C.] § 1997e(a) exhaustion requirement." Pet. App. 14a. Using § 3626(g)(2)'s definition of "prison conditions," the panel held that "[f]or Estrada, on the day of the May 2018 courthouse shooting, the Logan County courthouse functioned as a 'prison.'" Pet. App. 15a. Through that logic, the Tenth Circuit found that a suit wholly unrelated to conduct within a prison was a suit brought with respect to prison conditions.

b. The Tenth Circuit's rule contradicts this Court's guidance about the scope of PLRA exhaustion. The Tenth Circuit imported a different statutory definition when it should not have done so for three distinct reasons. First,

this Court has expressed skepticism about whether § 3626(g) is relevant to the scope of the phrase "prison conditions" in § 1997e, instead holding that courts should look at the definition in the context of the exhaustion provision. *See Porter*, 534 U.S. at 525 & n.3. In *Porter*, this Court noted that Congress "fail[ed] to define the term [prison conditions] in the text of the exhaustion provision," so the definition of that term in an exhaustion suit depends on "the context of § 1997e" and not "the proper reading of § 3626(g)(2)." *Id.*

Second, § 1997e has a definition section, at § 1997e(h), and Congress chose only to define the term "prisoner" in that section. The term prisoner is also defined in § 3626(g)(3)—and that definition is substantively identical to that in § 1997e(h). If Congress intended all the definitions in § 3626(g) to apply to § 1997e, then Congress's inclusion of a definition section in § 1997e(h) would be superfluous. But it is well-accepted that "courts avoid a [statutory] reading that renders some words altogether redundant." Antonin Scalia & Bryan Garner, *Reading Law: The Interpretation of Legal Texts* 176 (2012). Where, as here, "a statutory construction thus renders an entire subparagraph meaningless, … the canon against surplusage applies with special force." *Pulsifer v. United States*, 601 U.S. 124, 143 (2024) (cleaned up).

Third, the text of § 3626(g) indicates those definitions do not have reach beyond that single provision. Congress wrote, in § 3626(g), that the definitions apply "[a]s used in this section." Congress would not have included that specification if the definitions had broader application to *all* provisions of the PLRA. By importing the definition to the whole statute, the panel eliminated the very limitation on its scope that Congress expressly wrote *in*, making the words "as used in this section" meaningless. Each of these three reasons would independently suggest that

§ 3626(g)'s definition of "prison conditions" should not be imported to § 1997e(a). This Court should grant review to clarify the scope of this important statute.

c. The only connections between the courthouse shooting and the prison are Mr. Estrada's status as a prisoner and the fact that a CDOC employee shot him. Neither fact is dispositive here. Officer Smart's status as a CDOC employee does not transform this suit into one relating to "prison conditions." The PLRA does not require exhaustion for all suits brought against a prison *employee*—only those relating to prison *conditions*. In setting forth the circumstances in which exhaustion is required, the statute does not refer to the identity of the defendant; it refers to the *subject* of the suit. Congress could have, and often does, indicate when the defendant's status matters, and it chose not to do so here. *See, e.g.*, 42 U.S.C. § 1983. Further, this Court and the lower courts have repeatedly recognized this plain meaning, acknowledging that the PLRA does not require exhaustion for every prisoner suit, but only those related to some characteristic of or event within the prison. *See, e.g.*, *Porter*, 534 U.S. at 520 (noting that exhaustion only applies to suits by "prisoners seeking redress for prison circumstances or occurrences"); *Witzke v. Femal*, 376 F.3d 744, 752 (7th Cir. 2004) (similar). Even the Tenth Circuit has held the phrase "with respect to prison conditions" means, "plain[ly] and unambiguous[ly]," "suit[s] concerning prison life." *Norton v. City of Marietta, Okla.*, 432 F.3d 1145, 1150 (10th Cir. 2005). This limitation lies in stark contrast to other provisions of the PLRA that broadly refer to "any action brought by a prisoner." *See* 42 U.S.C. § 1997e(d)(1). Congress's specification elsewhere in the PLRA that the statute applies to "any action brought by a prisoner" is conclusive evidence the exhaustion requirement does not have such broad reach.

The plain reading and context of § 1997e show that this suit does not concern "prison conditions." Just as the PLRA's exhaustion requirement would not apply if Mr. Estrada sought to sue the Social Security Administration, while incarcerated, for a denial of due process arising out of the termination of benefits to which he was entitled, or in a claim against the federal government for wrongly taking his house without just compensation after his sentencing, the PLRA does not encompass civil actions alleging the deprivation of rights that take place outside of prison. Such actions are not bringing suit "about prison life." *Porter*, 534 U.S. at 532. The statute cannot withstand the expansive scope applied by the Tenth Circuit. This Court should grant review and reverse.

2. The Court should grant plenary review because the scope of PLRA exhaustion is an issue of exceptional importance. Advocacy organizations estimate that nearly two million people are currently incarcerated in the United States. *See* Vera Inst., *Mass Incarceration in Numbers*, https://bit.ly/4fO30L0 (last visited Feb. 5, 2025). Unfortunately, many inmates will have to utilize the PLRA while in prison, with a large portion of those inmates bringing their suits pro se. *See* Incarceration and the Law, *Data Update*, (last visited Feb. 5, 2025) (estimating more than 26,000 prison and jail civil rights or conditions cases were filed in 2020 and more than 24,000 in 2021). Section 1983 provides inmates with a legal tool to vindicate their civil and constitutional rights, but, to exercise that tool, inmates must first exhaust "such administrative remedies as are available" before bringing a suit "with respect to prison conditions." 42 U.S.C. § 1997e(a).

The PLRA was enacted to ensure courts hear "fewer and better prisoner suits," *Jones v. Bock*, 549 U.S. 199, 203 (2007); it was never meant to foreclose all prisoner suits, or to impose legal obstacles beyond those written by

Congress. As this Court has emphasized, "[o]ur legal system, however, remains committed to guaranteeing that prisoner claims of illegal conduct by their custodians are fairly handled according to law." *Id.* The Tenth Circuit's decision circumvents that commitment. It closes access to the courts and justice for potentially meritorious civil rights claimants on technicalities that are inconsistent with the Constitution and the text of the PLRA. The Tenth Circuit's holding, in essence, requires inmates to exhaust every single suit and not only those that relate to "prison conditions," just in case some court later rules that a courthouse (or any other location) *is* a prison. Only this Court can ensure the statute Congress wrote and enacted is restored.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

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