

05-416 WOODFORD V. NGO

DECISION BELOW:403 F3d 620

LOWER COURT CASE NUMBER: 03-16042

QUESTIONS PRESENTED:

Under the Prison Litigation Reform Act, a prisoner cannot bring suit to challenge prison conditions under federal law "until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). This exhaustion requirement is not subject to "futility or other exceptions," *Booth v. Churner*, 532 U.S. 731, 746 n.6 (2001), and may not be waived by a district court, *Porter v. Nussle*, 534 U.S. 516, 524 (2002).

This case presents the following question:

Does a prisoner satisfy the Prison Litigation Reform Act's administrative-exhaustion requirement by filing an untimely or otherwise procedurally defective administrative appeal?

CERT. GRANTED 11/14/2005