

05-7142 WILLIAMS V. OVERTON

DECISION BELOW:136 Fed Appx 859

LOWER COURT CASE NUMBER: 03-2507

QUESTIONS PRESENTED:

42 U.S.C. § 1997e (a) of the Prison Litigation Reform Act of 1995 (PLRA), Pub. L. 104- 134, 110 Stat. 1321 (1996), provides that "[n]o action shall be brought with respect to prison conditions" under 42 U.S.C. § 1983 or other federal law "until such administrative remedies as are available are exhausted." "[E]xhaustion in cases covered by § 1997e (a) is * * * mandatory." Porter v. Nussle, 534 U.S. 516, 524 (2002). The questions presented, over which the circuits are intractably split, are:

1. Whether the PLRA requires a prisoner to name a particular defendant in his or her administrative grievance in order to exhaust his or her administrative remedies as to that defendant and to preserve his or her right to sue them.
2. Whether the PLRA prescribes a "total exhaustion" rule that requires a federal district court to dismiss a prisoner's federal civil rights complaint for failure to exhaust administrative remedies whenever there is a single unexhausted claim, despite the presence of other exhausted claims.

Cert. Granted 3/6/2006

CONSOLIDATED WITH 05-7058 FOR ONE HOUR ORAL ARGUMENT.