Negative: PLRA –Mental/Emotional Damages + 3 Strikes Rule

By “Coach Vance” Trefethen

***The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction***

Case Summary: The Prison Litigation Reform Act (PLRA) requires prisoners who are suing prison officials for mistreating them to prove physical injury to win. They can claim emotional/mental abuse as well, but it has to be related to a physical injury. AFF Plan would reform this to allow purely mental/emotional abuse lawsuits. Plan also removes the “3 Strikes” rule from PLRA. This rule bars prisoners from filing any more lawsuits if they have already had 3 lawsuits thrown out for being improper or frivolous, to discourage prisoners from filing hundreds of useless lawsuits to clog up the courts and waste everyone’s time. AFF is worried that prisoners may be denied valid lawsuits simply because of minor paperwork errors.

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PLRA helps prisoners with valid claims by removing the foolish claims from the system, allowing valid claims to get the attention they deserve 10

Negative: PLRA –Mental/Emotional Damages + 3 Strikes Reform

EXTRA-TOPICALITY

1. PLRA reform is mostly extra-topical

Most prisoners affected by PLRA are in state prisons or local jails

Lisa Soronen 2020 (journalist) 8 June 2020 “Supreme Court Rules Against Prisoner in Prison Litigation Reform Act Case” <https://knowledgecenter.csg.org/kc/content/supreme-court-rules-against-prisoner-prison-litigation-reform-act-case> (accessed 6 Dec 2021)

Most prisoners reside in either state prisons or local jails; state and local governments pay the costs of defending meritless prisoner cases. The SLLC [amicus brief](https://ada4d282-a69e-461a-89a2-e1a3f477bdcb.filesusr.com/ugd/f56252_2b0f3f89d90547d99f4106423339dd0a.pdf) argued that a dismissal without prejudice should count as a strike because the goal of the PLRA is “fewer and better prisoner suits,” and it has largely accomplished this goal.

Violation: Not under federal jurisdiction

State and local prisoners are not “prisoners under federal jurisdiction,” so the Affirmative cannot offer a plan that does anything for them and still be following the resolution.

Limited scope: Plan can only reach the 151,000 offenders in federal prisons

U.S. Sentencing Commission 2021. “FEDERAL OFFENDERS IN PRISON” <https://www.ussc.gov/research/quick-facts/federal-offenders-prison> (accessed 6 Dec 2021)

As of March 2021, there were 151,729 offenders incarcerated in the Bureau of Prisons. Of these offenders, 135,550 are serving a sentence for a federal conviction, most commonly for drug offenses (N=65,370). Slightly more than half of offenders in the Federal Bureau of Prisons (54.2%) were sentenced to ten or more years in prison.

Small percentage: There are 2.3 million total prisoners

Wendy Sawyer and Peter Wagner 2020. (Wendy Sawyer is the Research Director at the Prison Policy Initiative. Peter Wagner is an attorney and the Executive Director of the Prison Policy Initiative) 24 Mar 2020 “Mass Incarceration: The Whole Pie 2020“ <https://www.prisonpolicy.org/reports/pie2020.html> (accessed 6 Dec 2021)

The American criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories.

Impact: Drop at least 93.4% of the harms and solvency

151,729 divided by 2.3 million means the plan covers only 6.6% of all prisoners. That means at least 93.4% of the cases, problems and benefits of their plan are extra-topical and disappear from the round. On top of that, it means all of their evidence dealing with state prisoners and whatever harms they are suffering should be dropped from the round. Affirmative must prove that there is a significant harm occurring among the 6.6% of prisoners in the federal system and that their plan solves for them. It’s not enough to prove “state prisoners are being abused and can’t file lawsuits.” They have to prove “federal prisoners are being abused and can’t file lawsuits.” Everything else is extra-topical.

INHERENCY – Emotional Damages

1. Emotional damages do exist under current law

PLRA blocks compensatory damages but allows nominal or punitive damages + injunctive relief (a court order telling the prison to stop doing whatever it was…)

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

Absent a prior physical injury, prisoner plaintiffs to whom the PLRA applies may not receive compensatory damages for mental or emotional damages, but may still be awarded nominal or punitive damages in appropriate cases, as well as obtain injunctive or declaratory relief.

Example: Lawsuit for violation of privacy with no physical injury was allowed to proceed

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Bertrand v. Department of Corrections,#4:CV-07-859, 2008 U.S. Dist. Lexis 28599 (M.D. Pa.), the court ruled that a prisoner could pursue his privacy claim based on a medical provider’s alleged policy or custom of making him receive his insulin shots in the waiting room of the prison medical department. The prisoner claimed that this damaged his reputation and that other inmates shunned him on the assumption that he had either Hepatitis C or was HIV-positive. The prisoner could not, however, seek compensatory damages for his emotional distress when he did not suffer any physical injuries, on the basis of the provisions of the Prison Litigation Reform Act, 42 U.S.C. Sec. 1997e(c).

Example: Punitive and nominal damages can be awarded for 4th Amendment violation (without injury)

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Hutchins v. McDaniels, #06-41733, 512 F.3d 193 (5th Cir. 2007), an appeals court ruled that the trial court acted erroneously in dismissing the entirety of a Texas prisoner’s lawsuit alleging that his rights were violated during a strip and cavity search conducted by an officer. The male prisoner claimed that the search took place within the view of a female prison guard and other prisoners, and that, during the search, the officer never accused him of possession of contraband. If these allegations were true, his Fourth Amendment rights would have been violated. The prisoner was barred from recovering compensatory damages for emotional or mental injuries under 42 U.S.C. Sec. 1997e(e) because he did not claim he had suffered any physical injury, but this would not bar him from recovering punitive or nominal damages.

Example: Nominal or punitive damages for “humiliation” as an 8th Amendment violation, without physical injury

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

See also, Calhoun v. Detella, #98-2894, 319 F.3d 936 (7th Cir. 2003), holding that a strip search of a male prisoner in the presence of female correctional officers could constitute cruel and unusual punishment in violation of the Eighth Amendment if female officers were, as prisoner alleged, “invited spectators” and the search was carried out in a manner designed to humiliate and demean him. A federal appeals court ruled that the provision of the Prison Litigation Reform Act barring claims for mental or emotional injuries without a showing of physical injury did not apply, in this case, to bar claims for nominal or punitive damages.

Prisoners can get damages if constitutional rights are violated, even without physical injury

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

At the same time, the appeals court ordered further proceedings on the prisoner’s claim for emotional and mental damages from the fear he suffered because of the detective’s disclosure to the other prisoners, which was allegedly done when he declined to be interviewed about an unrelated matter. This claim was not barred by 42 U.S.C. § 1997e(e), which prohibits the awarding of damages for mental or emotional distress without a showing of prior physical injury, the court ruled, as the prisoner could still be awarded nominal or punitive damages for the violation of his constitutional rights.

2. Not limited to broken bones and bleeding bodies

Emotional distress from weight loss on a vegetarian diet was permitted under PLRA current law

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

What is a physical “injury” for purposes of this provision of the PLRA? Courts have interpreted it in a broader manner than merely limited to broken bones and bleeding bodies. In Pratt v. Corrections Corporation of America, #04-2413, 124 Fed. Appx. 465, 2005 U.S. App. Lexis 2374 (8th Cir. 2005), for instance, an undesired and potentially unhealthy weight loss was deemed sufficient. The court in this case ruled that a Muslim inmate could proceed with his claim that he suffered severe emotional and psychological injuries from the alleged denial of “Halal” meals required by his religion. His claims were not barred by the provisions of the Prison Litigation Reform Act (PLRA), 42 U.S.C. Sec. 1997e(e) requiring that he show a physical injury before being able to recover damages for mental and emotional injuries because his alleged loss of 30 pounds of weight while eating vegetarian meals which he asserted lacked adequate nutrition was sufficient to show a physical injury.

Sexual assault, even without “injury,” is enough to get a lawsuit under PLRA current law

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Liner v. Goord, #98-2925, 196 F.3d 132 (2nd Cir. 1999), the court held that a prisoner’s assertion that correctional officers sexually assaulted him on three occasions satisfied the requirement of a physical injury for recovery for emotional damages stated in the Prison Litigation Reform Act. Congress, in 2013, underscored and made it crystal clear that sexual assaults constitute physical injuries for purposes of this provision of the PLRA by amending the statute to read “No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act (as defined in section 2246 of title 18.”

3. Suits for being afraid of physical harms that haven’t happened yet

SQ PLRA law allows lawsuits because a prisoner is afraid he may suffer future physical harm

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Robinson v. Page, #96-4239, 170 F.3d 747 (7th Cir. 1999), a prisoner’s lawsuit complaining about the alleged presence of lead in prison’s drinking water was not barred by the PLRA section barring the recovery of mental or emotional injury without a showing of prior physical injury. The court reasoned that the prisoner could possibly recover damages for present or future physical injury resulting from the alleged exposure to lead.

INHERENCY – 3 Strikes Rule

1. Status Quo has safeguards against harm

3 Strikes Rule doesn’t apply if prisoner is in danger of imminent physical harm

Americans for Effective Law Enforcement Monthly Law Journal 2016. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals Jail & Prisoner Law Section – June 2016 The “Three Strikes” Rule In Prisoner Civil Rights Litigation <https://www.aele.org/law/2016all06/2016-06MLJ301.pdf> (accessed 5 Dec 2021) (brackets in original)

The Prison Litigation Reform Act, in pertinent part provides in 28 U.S.C. § 1915(g): “In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

HARMS / SIGNIFICANCE

1. Ridiculous claims aren’t harms. Here’s a sample of the “harms” you’ll be “solving” with an Affirmative ballot:

Emotional distress because they wouldn’t let him have his porn magazines

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/Digests/jail185.html> (accessed 5 Dec 2021)

 Prisoner's claim for alleged mental anguish and emotional distress arising out of a dispute with correctional officials over the alleged retaliatory withholding of two pornographic magazines by the prison mail personnel could not be pursued, in the absence of physical injury under the Prison Litigation Reform Act, 42 U.S.C. Sec. 1997e(e). He claimed that the retaliation occurred because he filed a previously lawsuit against prison employees. Geiger v. Jowers, No. 04-10299, 404 F.3d 371 (5th Cir. 2005).

Prisoner sued for emotional distress because an officer yelled at him

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Shorter v. Lawson, #3:05-CV-0458, 403 F. Supp. 2d 703 (N.D. Ind. 2005). For instance, a court ruled that a prisoner was barred, under 42 U.S.C. Sec. 1997e(e), from pursuing claims for mental injuries or stress when he failed to assert that he had suffered any physical injury. His assertion that an officer “yelled” at him, and that officers came to his cell with stun guns and pepper mace, asking him to come out of his cell, as well as writing conduct reports against him when he was facing criminal charges and hernia surgery was insufficient, since verbal abuse and harassment does not establish a civil rights violation.

Prisoner sued because other inmates threatened him, but never actually hurt him

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

In Wolff v. Hood, 242 F. Supp. 2d 811 (D. Ore. 2002), the court concluded that a prisoner could not pursue a federal civil rights claim against correctional officials for failure to protect him against other inmates who allegedly threatened him with harm because his crime involved a child when he could not show that he suffered physical harm as a result of the alleged failure to protect. A provision of the Prison Litigation Reform Act, 42 U.S.C. Sec. 1997e(e) prohibits recovery for mental or emotional injury suffered in custody without a prior showing of physical injury.

Emotional distress over a clogged drain

Americans for Effective Law Enforcement Monthly Law Journal 2018. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals ) Jail & Prisoner Law Section – April 2018 Recovery of Mental/Emotional Distress Damages Under the Prison Litigation Reform Act <https://www.aele.org/law/2018all04/2018-04MLJ301.pdf> (accessed 5 Dec 2021)

Injury is not the same as uncomfortable or unpleasant surroundings. In Alexander v. Tippah County, Mississippi, #02-61033, 351 F.3d 626 (5th Cir. 2003), two 308 prisoners, confined for 24 hours in an “unsanitary” isolation cell designed for one prisoner in which a clogged floor drain resulted in feces and urine remaining on the cell floor, could not recover damages for mental or emotional injuries in the absence of a prior physical injury.

2. No shortage of lawsuits

10,000 lawsuits/year on prison conditions + nearly 20,000/year on other civil rights claims. Do we really need more?

Supreme Court Justice Clarence Thomas 2020. Dissent in WEXFORD HEALTH v. GARRETT 18 May 2020 <https://www.supremecourt.gov/opinions/19pdf/19-867_hgcj.pdf> (accessed 6 Dec 2021)

In recent years, nearly 10,000 lawsuits have been filed annually by prisoners challenging prison conditions. See Administrative Office of the United States Courts, Federal Judicial Caseload Statistics, U. S. District Courts—Civil Cases Commenced, by Basis of Jurisdiction and Nature of Suit (2019) (Table C–2). And nearly twice as many lawsuits are filed annually raising other civil rights claims, ibid., which are subject to similarly worded prefiling requirements under the PLRA, see, e.g., §1997e(e).

DISADVANTAGES

1. Mindset critique: AFF is focused on criminal comforts rather than society’s good

No other way to say it but… PLRA stops society from dealing with STUPID stuff about luxuries for prisoners

Anna Little Morris 2017 (attorney) 7 Feb 2017 “Twenty Years After Reform, Inmate Litigation Still Crowds Dockets” <https://www.butlersnow.com/2017/02/twenty-years-reform-inmate-litigation-still-crowds-dockets/> (accessed 5 Dec 2021)

A million dollars in damages for melted ice cream. Cruel and unusual punishment for having to listen to country music. A suit demanding L.A. Gear or Reebock shoes instead of prison-issued Converses. An emotional distress claim for receiving crunchy, instead of creamy, peanut butter. Are these the types of lawsuits to which our courts should be devoting time and resources? Congress apparently thought otherwise when they passed – with overwhelming[bipartisan](https://www.congress.gov/bill/104th-congress/house-bill/3019/actions?q=%7B%22search%22%3A%5B%22%5C%22prison+litigation+reform+act%5C%22%22%5D%7D&r=1)support – the[Prison Litigation Reform Act (PLRA)](https://www.law.cornell.edu/uscode/text/42/1997e).

2. Court clog

Link: 3 Strikes blocks frivolous lawsuits

Americans for Effective Law Enforcement Monthly Law Journal 2016. (non-profit organization ; legal educational provider of guidance to enhance the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals Jail & Prisoner Law Section – June 2016 The “Three Strikes” Rule In Prisoner Civil Rights Litigation <https://www.aele.org/law/2016all06/2016-06MLJ301.pdf> (accessed 5 Dec 2021) (brackets in original)

Of special concern was the fact that some prisoners engaged in a practice of filing multiple lawsuits over time that were frivolous, malicious, or simply failed to state a proper legal claim on which relief could be granted. A specific provision of the Prison Litigation Reform Act popularly known as the “three strikes” rule is designed to lessen this problem, barring prisoners who repeatedly do so from filing further lawsuits as paupers after “three strikes.”

Massive court clog: 15% of ALL civil cases in federal court before PLRA were from prisoners

Rachel Poser 2016 (journalist) 30 May 2016 “Why It’s Nearly Impossible for Prisoners to Sue Prisons” THE NEW YORKER <https://www.newyorker.com/news/news-desk/why-its-nearly-impossible-for-prisoners-to-sue-prisons> (accessed 6 Dec 2021)

In 1995, Senator Orrin Hatch, a Republican from Utah, argued for the P.L.R.A.’s passage by pointing out that prisoners filed fifteen per cent of all civil cases initiated the previous year in federal court, totalling more than thirty-nine thousand lawsuits, most alleging “cruel and unusual” prison conditions.

Link: PLRA is key to reducing frivolous suits that clog up federal courts

Anna Little Morris 2017 (attorney) 7 Feb 2017 “Twenty Years After Reform, Inmate Litigation Still Crowds Dockets” <https://www.butlersnow.com/2017/02/twenty-years-reform-inmate-litigation-still-crowds-dockets/> (accessed 5 Dec 2021) (brackets and ellipses in original)

The goal of the Act, frankly acknowledged, was to[reduce the number of prisoner suits filed](https://www.law.cornell.edu/supct/html/05-416.ZO.html) in order to “[cur[b]  frivolous prisoner litigation](http://openjurist.org/117/f3d/197/baugh-v-taylor)” and to “[preserv[e] . . . our limited appellate resources](http://openjurist.org/117/f3d/197/baugh-v-taylor).” The[Fifth Circuit’s comments](http://openjurist.org/788/f2d/1116/green-v-v-mckaskle) prior to the PLRA also highlighted the need for the Act:  
Unlike most litigants, prisoners have everything to gain and nothing to lose by filing frivolous suits. Filing a suit in forma pauperis costs a prisoner little or nothing; time is usually of little importance to a prisoner and prisoners are not often deterred by the threat of possible sanctions for malicious or frivolous actions or perjury. Moreover, a prisoner, while he may be unsuccessful, can at least look forward to “a short sabbatical in the nearest federal courthouse.” Cruz v. Beto, 405 U.S. 319, 327 (1972) (Rehnquist, J., dissenting). Thus, the temptation to file frivolous or malicious suits is strong, and these suits clutter up the federal courts, wasting scarce and valuable judicial resources, subjecting prison officials unnecessarily to the burdens of litigation and preventing prisoner suits with merit from receiving adequate attention.

Link: Clogged courts. Federal appellate court caseloads have doubled since 1971

Prof. Peter S. Menell & Prof. Ryan Vacca 2020. (Menell - Professor of Law and Director, Berkeley Center for Law & Technology, University of California. Vacca - Professor of Law, Univ of New Hampshire School of Law) Revisiting and Confronting the Federal Judiciary Capacity “Crisis”: Charting a Path for Federal Judiciary Reform 1 Jully 2020 CALIFORNIA LAW REVIEW https://scholars.unh.edu/cgi/viewcontent.cgi?article=1438&context=law\_facpub

The number of filed cases per year grew 292% between 1971 and 2017, from 14,761 to 57,872. The number of cases terminated on the merits grew from 13,015 in 1971 to 36,851 in 2017, a 183% increase. As previously discussed, Congress authorized additional circuit court judgeships during this time. The number of appellate judges is based on data from Habel and Scott. These data show how many active and senior circuit court judgeships are actually filled and, as with district judges, treat senior circuit court judges as one quarter of an active-duty circuit court judge. Figure 14 illustrates how many cases were filed, on average, per appellate judge from 1971 through 2017. The average number of cases filed per judge increased from 148 (active judges only) or 142 (active and senior judges) in 1971 to 324 (active judges only) or 278 (active and senior judges) in 2017. Counting only active circuit court judges, this is a 119% increase in filings per judge. Counting active and senior judges results in a 96% increase in filings per judge. Thus, the caseload per judge has roughly doubled since 1971.

Impact: Justice Denied. Court clog leads to judges making decisions in inconsistent ways that deny justice

Dr. Cristoph Engel and Prof. Keren Weinshall 2020. (Engel - Chair of the Advisory Board, Amsterdam Center for Law and Economics; Director of Max Planck Institute for Research on Collective Goods.. Weinshall is Edward S. Silver Chair in Civil Procedure, Hebrew University, Jerusalem) 24 Nov 2020 “Manna from Heaven for Judges: Judges’ Reaction to a Quasi-Random Reduction in Caseload” JOURNAL OF EMPIRICAL LEGAL STUDIES <https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12265> (“heuristics” – in this context, it refers to deciding things based on past personal experience rather than looking independently at the facts of the present case)

Judges are not only rational actors striving to optimize their use of time. Although most of the aforementioned studies focus on judges’ strategic choices of the less time-consuming legal outcome, their decisions may also be affected by the physical and emotional fatigue, decline in cognitive performance, and elevated stress levels associated with high workloads.  Research has shown that under time pressure, judges are more vulnerable to heuristics and biases. For example, rulings were found to be more inconsistent when judges face a high caseload (Norris [2018](https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12265#jels12265-bib-0055)) and busy judges were found to expend less effort by according higher weight to non-legal cues, such as litigants’ race or gender, to determine case outcomes (Guthrie et al. [2000](https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12265#jels12265-bib-0030), [2007](https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12265#jels12265-bib-0031); Rachlinski et al. [2008](https://onlinelibrary.wiley.com/doi/full/10.1111/jels.12265#jels12265-bib-0061)).

3. Worse outcome for prisoners

PLRA helps prisoners with valid claims by removing the foolish claims from the system, allowing valid claims to get the attention they deserve

Supreme Court Justice Elena Kagan 2020. Opinion of the Court in the case of Lomax v. Ortiz 8 June 2020 <https://www.supremecourt.gov/opinions/19pdf/18-8369_3dq3.pdf> (accessed 6 Dec 2021)(brackets in original)

The point of the PLRA, as its terms show, was to cabin not only abusive but also simply meritless prisoner suits. Before the PLRA, the statute governing IFP claims targeted frivolous and malicious actions, but no others. See Neitzke v. Williams, 490 U. S. 319, 328 (1989). In the PLRA, Congress chose to go further—precisely by aiming as well at actions that failed to state a claim. The theory was that a “flood of nonmeritorious claims,” even if not in any way abusive, was “effectively preclud[ing] consideration of ” suits more likely to succeed.