

Fourth Circuit Rules in Favor of Pro Bono Client, Holds District Court Cannot Rule Dismissal of Complaint Constitutes a Strike

News

April 13, 2023

On April 13, Jenner & Block and co-counsel MacArthur Justice Center won a pro bono appeal for client Kevin Pitts in the United States Court of Appeals for the Fourth Circuit which held that the district court lacked authority to “prospectively adjudicate a strike” under the Prison Litigation Reform Act’s (PLRA) “three-strikes rule.”

The three-strikes rule says that people who are incarcerated can file up to three frivolous lawsuits before they are barred from filing more. “The question here is whether a district court dismissing a prisoner complaint is authorized, at that time, to rule that its dismissal is a “strike” for purposes of future litigation,” the opinion said.

In 2020, Kevin filed a civil rights suit that the district court ultimately dismissed because his claims were barred by precedent and because the officials they were against were barred by sovereign and prosecutorial immunity. The lower court then went on to rule that the dismissal of the suit constitutes a strike under PLRA.

Associate Kathryn Wynbrandt, who argued the case in December, convinced the court that the district court lacked the authority to make that call.

“We hold that a district court may not contemporaneously rule that its dismissal of a complaint constitutes a strike,” the opinion said.

Partner Ian Heath Gershengorn supervised the case.

before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

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