STATE OF MICHIGAN

COURT OF CLAIMS

DERRICK LEE CARDELLO-SMITH #267009, BRIAN GILLISPIE #847822, and THOMAS DENOMIE #748753,

Plaintiffs,

v

Case No. 26-000217-MP

DALLAS POST et al.,

Hon. Sima G. Patel

Defendants.
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OPINION AND ORDER OF DISMISSAL

On October 16, 2026, the Court received plaintiffs' complaint challenging the conditions of imprisonment. Such an action falls within the ambit of the Prison Litigation Reform Act (PLRA), MCL 600.5501 *et seq*. Plaintiffs failed to disclose the number of prior civil actions and appeals initiated by them as required by the PLRA. Therefore, the Court must DISMISS plaintiffs' action.

"The PLRA sets forth certain requirements that apply when a prisoner brings a civil action concerning prison conditions." *Anderson v Myers*, 268 Mich App 713, 715; 709 NW2d 171 (2005); MCL 600.5503(1). A "civil action concerning prison conditions" is defined by MCL 600.5531(1), as "any civil proceeding seeking damages or equitable relief arising with respect to any conditions of confinement or the effects of an act or admission of government officials, employees, or agents in the performance of their duties . . . ." *Anderson*, 268 Mich App at 715.

One of the requirements a plaintiff must meet is to "disclose the number of civil actions . . . that the prisoner has previously initiated." *Does v Dep't of Corrections*, 312 Mich App 97, 107; 878 NW2d 293 (2015), vac in part on other grounds 499 Mich 886 (2016). MCL 600.5507(2). The Legislature provides that "[t]he court shall dismiss a civil action" if it finds that the plaintiff did make this required disclosure. MCL 600.5507(3). This is a mandatory provision and the failure to disclose the number of previous lawsuits initiated by a plaintiff requires dismissal of the action; it does not permit amendment of the complaint. *Does*, 312 Mich App at 112-114.

Plaintiffs' challenges to the conditions of his confinement are within the ambit of the PLRA. To file suit, plaintiffs were required to disclose the number of civil actions and appeals they initiated in the past. Plaintiffs failed to do so and the Court is bound to dismiss their action.

IT IS ORDERED:

1. Plaintiffs' action is DISMISSED without prejudice to plaintiffs filing a new action in conformance with the PLRA.

2. This is a final order resolving all issues in this case.

Date: October 19, 2026

Sima G. Patel
Judge, Court of Claims