STATE OF MICHIGAN

COURT OF CLAIMS

DERRICK LEE CARDELLO-SMITH #267009,

Plaintiff,

v

Case No. 26-000225-MP

ADMINISTRATIVE LAW JUDGE TINNEY, E. SCHIERSCHMIDT, LIBRARIAN-ALGER CORRECTIONAL FACILITY, and MICHIGAN DEPARTMENT OF CORRECTIONS,

Hon. Michael F. Gadola

Defendants.
_____ /

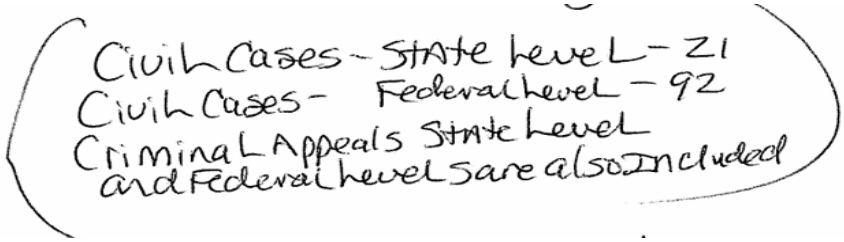
OPINION AND ORDER OF DISMISSAL

On October 23, 2026, plaintiff filed a complaint challenging the conditions of imprisonment. Such an action falls within the scope of the Prison Litigation Reform Act (PLRA), MCL 600.5501 *et seq*.

"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(a) as "any civil proceeding seeking damages or equitable relief arising with respect to any conditions of confinement or the effects of an act or omission of government officials, employees, or agents in the performance of their duties . . . ." One of the requirements that a plaintiff must meet is to "disclose the number of civil actions or appeals that the prisoner has previously initiated." *Does v Dep't of Corrections*, 312 Mich App 97, 107; 878 NW2d 293 (2015), vacated 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 not make this required disclosure. MCL 600.5507(3). This is a mandatory provision and the failure to disclose the number of previous civil actions or appeals initiated by a plaintiff requires dismissal of the action; it does not permit amendment of the complaint. *Does*, 312 Mich App at 112-114.

Plaintiff's challenges to the conditions of his confinement are within the scope of the PLRA. To file suit, plaintiff was required to disclose the number of civil actions or appeals he initiated in the past. Plaintiff's complaint provides the following under the heading of "Mandatory Disclosures":



Below this, the complaint states: "A more in depth disclosure statement is awaiting photocopying by the MDOC to be given to Plaintiff by Defendants–due to Plaintiff being in administrative segregation–since June 11, 2026."

On its face, plaintiff's complaint does not identify the number of civil actions or appeals he initiated in the past. The statute requires that he disclose only civil actions or appeals. Plaintiff admits that he included criminal appeals in the numbers disclosed above. Consequently, plaintiff has not disclosed the number of *civil* actions or appeals he initiated in the past as required by the PLRA. He also has not delineated whether the numbers he provided represent civil actions or civil appeals, or both. Plaintiff cannot simply state that he will provide a more in-depth disclosure in

the future.[1] The failure to disclose the number of civil actions or appeals he initiated in the past requires dismissal of the action.

IT IS ORDERED:

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

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

Date: October 27, 2026

Hon. Michael F. Gadola
Chief Judge, Court of Claims

[1] There is no way for this Court to know if plaintiff appealed in every case or just some.