STATE OF MICHIGAN

COURT OF CLAIMS

KIRSHEAN SHAKUR NELSON,

Plaintiff,

v

Case No. 26-000245-MP

Hon. Sima G. Patel

STATE OF MICHIGAN, MICHIGAN DEPARTMENT OF CORRECTIONS, MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES, and HEIDI WASHINGTON, RUSSELL RURKA, JIMMY JARRETT, MARTIN MCCALLUM, STEPHEN CLEMONS, KEVIN WOOD, KIRK STEVENSON, ROBBIE ANTES, ROGER HEIPLE, PATRICK CLASGENS, JUSTIN EAGLE, BRIAN STRICKLIN, HEARING INVESTIGATOR E. AUSTIN, and ALJ SCHNEIDER, in their official capacities,

Defendants.
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OPINION AND ORDER OF DISMISSAL

On November 18, 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). “[A] prisoner must disclose the number, even if that number is zero.” *Tomzek v Dep’t of Corrections*, 258 Mich App 222, 224; 672 NW2d 511 (2003).

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) (emphasis added). 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. Instead, plaintiff disclosed: “There is no other pending or resolved civil action arising out of the facts alleged here in this complaint.” This language does not meet the requirements of the PLRA. It does not indicate whether plaintiff has filed any other civil actions or appeals, only that he has not filed any other actions or appeals arising out the current factual scenario. As such, the Court is required to dismiss plaintiff’s action.

IT IS ORDERED:

1. Plaintiff’s action is DISMISSED without prejudice to plaintiff filing a new action in accordance with the PLRA.

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

Date: November 19, 2026

Sima G. Patel
Judge, Court of Claims