

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.5509 Complaint; review by court; dismissal; reply; waiver; requirement; reasons for decision by court.

Sec. 5509. (1) The court shall review as soon as practicable a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

(2) On review, the court shall dismiss the complaint or a portion of the complaint if the court finds either of the following:

(a) The complaint or a portion of the complaint is frivolous.

(b) The complaint seeks monetary relief from a defendant who is immune from the requested relief.

(3) A defendant may waive the right to reply to an action brought by a prisoner. Notwithstanding any other law or rule of procedure, a waiver under this subsection does not constitute an admission of the allegations contained in the complaint. Relief shall not be granted to the plaintiff unless a reply has been filed.

(4) The court may require a defendant to reply to a complaint in a civil action concerning prison conditions if it finds that the plaintiff is likely to prevail on the merits.

(5) If, after reviewing the complaint, the court does not dismiss the complaint under this section, the court shall indicate in the record the reasons for that decision.

History: Add. 1999, Act 147, Imd. Eff. Nov. 1, 1999.