

- (1) THE PRISONER IS INDIGENT;
- (2) THE ISSUE PRESENTED IS OF SERIOUS CONCERN;
- (3) DELAY IN THE CONSIDERATION OF THE ISSUES PRESENTED WILL PREJUDICE THE CONSIDERATION OF THE CLAIM;
- (4) THE PRISONER IS NOT LIKELY TO ACCUMULATE SUFFICIENT FUNDS TO PAY THE REQUIRED FILING FEE WITHIN A REASONABLE PERIOD OF TIME; AND
- (5) THE PRISONER POSSESSES A REASONABLE LIKELIHOOD OF SUCCESS ON THE MERITS OF THE CLAIM.

(D) IF A PRISONER PREVAILS IN AN ACTION, THE FILING FEE THAT IS PAID BY THE PRISONER SHALL BE REIMBURSED TO THE PRISONER BY THE DEFENDANT THROUGH COSTS AWARDED BY THE COURT.

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(A) (1) A PRISONER MAY NOT MAINTAIN A CIVIL ACTION UNTIL THE PRISONER HAS FULLY EXHAUSTED ALL ADMINISTRATIVE REMEDIES FOR RESOLVING THE COMPLAINT OR GRIEVANCE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN ADMINISTRATIVE REMEDY IS EXHAUSTED WHEN THE PRISONER HAS PURSUED TO COMPLETION ALL APPROPRIATE PROCEEDINGS FOR APPEAL OF THE ADMINISTRATIVE DISPOSITION, INCLUDING ANY AVAILABLE PROCEEDINGS FOR JUDICIAL REVIEW AND ~~DISMISSAL WITHOUT CONSIDERATION OF THE MERITS OF THE CLAIM.~~

(3) ~~AN ADMINISTRATIVE REMEDY IS NOT EXHAUSTED IF~~ JUDICIAL REVIEW FOLLOWING ADMINISTRATIVE CONSIDERATION SHALL BE THE EXCLUSIVE JUDICIAL REMEDY FOR ANY GRIEVANCE OR COMPLAINT WITHIN THE SCOPE OF THE ADMINISTRATIVE PROCESS, UNLESS THE PRISONER'S COMPLAINT OR GRIEVANCE WAS FOUND TO BE MERITORIOUS AND MONETARY DAMAGES WERE NOT AVAILABLE THROUGH THE ADMINISTRATIVE REMEDY AVAILABLE TO THE PRISONER.

(B) (1) WHEN A PRISONER FILES A CIVIL ACTION, THE PRISONER SHALL ATTACH TO THE INITIAL COMPLAINT PROOF THAT ADMINISTRATIVE REMEDIES HAVE BEEN EXHAUSTED.

(2) THE ATTACHMENT SHALL INCLUDE PROOF:

(I) THAT THE PRISONER HAS FILED A COMPLAINT OR GRIEVANCE WITH THE APPROPRIATE AGENCY;

(II) OF THE ADMINISTRATIVE DISPOSITION OF THE COMPLAINT OR GRIEVANCE; AND

(III) THAT THE PRISONER HAS APPEALED THE ADMINISTRATIVE DISPOSITION TO THE APPROPRIATE AUTHORITY, INCLUDING PROOF OF JUDICIAL REVIEW, IF AVAILABLE.