

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SEAN TURZANSKI,	:	
	:	
Plaintiff,	:	Civ. No. 15-8866 (RBK) (JS)
	:	
v.	:	
	:	
COUNTY OF BURLINGTON, et al.,	:	<b>MEMORANDUM AND ORDER</b>
	:	
Defendants.	:	
	:	

Plaintiff is proceeding through counsel with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. Presently pending before this Court is defendants the County of Burlington, Lawrence Artis and Sergeant Nunn’s motion to dismiss the complaint. Defendants seek to dismiss the complaint on the grounds that plaintiff has failed to comply with the Prisoner Litigation Reform Act’s (“PLRA”) requirement that he exhaust his administrative remedies before filing suit. For the following reasons, defendants’ motion to dismiss will be denied.

The PLRA states that:

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

42 U.S.C. § 1997e(a). However, plaintiff was not a prisoner at the time that he filed his complaint through counsel. (See Dkt. No. 1 at p.1) As noted by the United States Court of Appeals for the Third Circuit, “every court of appeals to have considered this issue has held that the PLRA does not apply to actions filed by former prisoners.” *Ahmed v. Dragovich*, 297 F.3d 201, 210 n.10 (3d Cir. 2002) (citations omitted). Accordingly, the PLRA’s exhaustion requirement does not apply to plaintiff in this case as he was not a prisoner when the complaint was filed. See *Miller v. Price*, No. 14-0301, 2016 WL 1089155, at \*6 (M.D. Pa. Mar. 21, 2016)

(“[T]he PLRA exhaustion requirement does not apply to prisoners who file a timely complaint after release from prison); *Monk v. Williams*, 516 F. Supp. 2d 343, 350 (D. Del. 2007) (same); *Nelson v. Warden of C.F.C.F.*, 461 F. Supp. 2d 316, 318 (E.D. Pa. 2006) (same). Therefore, defendants’ motion to dismiss the complaint because plaintiff has not exhausted his administrative remedies will be denied.

Accordingly, IT IS this 11<sup>th</sup> of August, 2016,

ORDERED that defendants’ motion to dismiss the complaint (Dkt. No. 9) is denied.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge