

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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May 05, 2022

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 21-10550-U  
Case Style: Jeremy Wells v. Warden, et al  
District Court Docket No: 1:20-cv-00097-JRH-BKE

For the purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus on the following issues:

**Is a dismissal for failure to exhaust administrative remedies a “strike” for purposes of the Prison Litigation Reform Act’s “three strikes” provision?**

**If a dismissal for failure to exhaust administrative remedies can be a “strike” for purpose of the Prison Litigation Reform Act’s “three strikes” provision, does Mr. Wells have three strikes?**

APPELLANT’S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE JUNE 14, 2022. APPELLEES’ EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE JULY 14, 2022. An en banc reply brief shall be electronically filed on or before August 4, 2022. NO EXTENSIONS WILL BE GRANTED. Parties should format their briefs according to Federal Rules of Appellate Procedure 28 and 32 and shall contain the title “En Banc Brief”. Each brief must adhere to the page and type-volume limitations Rule 32(a)(7). Fifteen (15) copies of the en banc briefs should be filed. Counsel is expected to serve all parties a copy of their brief by the close of business on the day of filing. PAPER COPIES OF THE BRIEFS SHOULD BE MAILED THE NEXT BUSINESS DAY. Counsel is not required to submit the additional copies of the previous filed briefs.

The filing of an en banc amicus brief is governed by 11<sup>th</sup> Cir.R.35-8.

Oral arguments will be conducted the week of October 17, 2022 in Atlanta, Georgia. Each party will be allotted twenty (20) minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific time of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jenifer L. Tubbs

Phone #: 404-335-6166

BR-1CIV Civil appeal briefing ntc issued