SUPREME COURT OF THE UNITED STATES

No. 98–262

BILL MARTIN, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL., PETITIONERS *v.* EVERETT HADIX ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[June 21, 1999]

JUSTICE O'CONNOR delivered the opinion of the Court.*

Section 803(d)(3) of the Prison Litigation Reform Act of 1995 (PLRA or Act), 110 Stat. 1321–66, 42 U. S. C. §1997e(d)(3) (1994 ed., Supp. II), places limits on the fees that may be awarded to attorneys who litigate prisoner lawsuits. We are asked to decide how this section applies to cases that were pending when the PLRA became effective on April 26, 1996. We conclude that §803(d)(3) limits attorney's fees with respect to postjudgment monitoring services performed after the PLRA's effective date but it does not so limit fees for postjudgment monitoring performed before the effective date.

I

The fee disputes before us arose out of two class action

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*For the reasons stated in his separate opinion, JUSTICE SCALIA joins Parts I, II–A, and II–C of this opinion. For the reasons stated in JUSTICE GINSBURG's separate opinion, she and JUSTICE STEVENS join Parts I, II–A–1, and II–B–1 of this opinion.

lawsuits challenging the conditions of confinement in the Michigan prison system. The first case, which we will call *Glover*, began in 1977 when a now-certified class of female prisoners filed suit under Rev. Stat. §1979, 42 U. S. C. §1983 (1994 ed., Supp. II), in the United States District Court for the Eastern District of Michigan. The *Glover* plaintiffs alleged that the defendant prison officials had violated their rights under the Equal Protection Clause of the Fourteenth Amendment by denying them access to vocational and educational opportunities that were available to male prisoners. They also claimed that the defendants had denied them their right of access to the courts. After a bench trial, the District Court found "[s]ignificant discrimination against the female prison population" in violation of the Equal Protection Clause, *Glover* v. *Johnson*, 478 F. Supp. 1075, 1083 (1979), and concluded that the defendants' policies had denied the *Glover* plaintiffs their right of meaningful access to the courts, *id.*, at 1096–1097. In 1981, the District Court entered a "Final Order" detailing the specific actions to be undertaken by the defendants to remedy the constitutional violations. *Glover* v. *Johnson*, 510 F. Supp. 1019 (ED Mich.). One year later, the court found that the plaintiffs were "prevailing parties" and thus entitled to attorney's fees under 42 U. S. C. §1988 (1994 ed. and Supp. II). *Glover* v. *Johnson*, Civ. Action No. 77–71229 (ED Mich., Feb. 2, 1982), App. 103a.

In 1985, the parties agreed to, and the District Court entered, an order providing that the plaintiffs were entitled to attorney's fees for postjudgment monitoring of the defendants' compliance with the court's remedial decrees. *Glover* v. *Johnson*, No. 77–71229 (ED Mich., Nov. 12, 1985), App. 125a (Order Granting Plaintiffs' Motion for System for Submission of Attorney Fee). This order also established the system for awarding monitoring fees that was in place when the present dispute arose. Under this system, the plaintiffs submit their fee requests on a semi-

annual basis, and the defendants then have 28 days to submit any objections to the requested award. The District Court resolves any disputes. *Ibid.* In an appeal from a subsequent dispute over the meaning of this order, the Court of Appeals for the Sixth Circuit affirmed that the plaintiffs were entitled to attorney's fees, at the prevailing market rate, for postjudgment monitoring. *Glover* v. *Johnson,* 934 F. 2d 703, 715–716 (1991). The prevailing market rate has been adjusted over the years, but it is currently set at $150 per hour. See *Hadix* v. *Johnson,* 143 F. 3d 246, 248 (CA6 1998) (describing facts of *Glover*).

The second case at issue here, *Hadix*, began in 1980. At that time, male prisoners at the State Prison of Southern Michigan, Central Complex (SPSM–CC), filed suit under 42 U. S. C. §1983 in the United States District Court for the Eastern District of Michigan claiming that the conditions of their confinement at SPSM–CC violated the First, Eighth, and Fourteenth Amendments to the Constitution. Five years later, the *Hadix* plaintiffs and the defendant prison officials entered into a consent decree to "'assure the constitutionality'" of the conditions of confinement at SPSM–CC. *Hadix* v. *Johnson,* 144 F. 3d 925, 930 (CA6 1998) (quoting consent decree). The consent decree, which was approved by the District Court, addressed a variety of issues at SPSM–CC, ranging from sanitation and safety to food service, mail, and access to the courts.

In November 1987, the District Court entered an order awarding attorney's fees to the *Hadix* plaintiffs for postjudgment monitoring of the defendants' compliance with the consent decree. *Hadix* v. *Johnson*, No. 80–CV–73581 (ED Mich., Nov. 19, 1987), App. 79a. Subsequently, the *Hadix* plaintiffs were awarded attorney's fees through a procedure similar to the procedure that had been established for the *Glover* plaintiffs: The plaintiffs submitted semiannual fee requests, the defendants filed timely objections to these requests, and the District Court re-

solved any disputes. The District Court set, and periodically adjusted, a specific market rate for the fee awards; by 1995, that rate was set at $150 per hour for lead counsel. See *Hadix* v. *Johnson,* 65 F. 3d 532, 536 (CA6 1995).

Thus, by 1987, *Glover* and *Hadix* were on parallel paths. In both cases, the District Court had concluded that the plaintiffs were entitled to postjudgment monitoring fees under 42 U. S. C. §1988, and the parties had established a system for awarding those fees on a semiannual basis. Moreover, in both cases, the District Court had established specific market rates for awarding fees. By the time the PLRA was enacted, the prevailing market rate in both cases had been set at $150 per hour.

The fee landscape changed with the passage of the PLRA on April 26, 1996. The PLRA, as its name suggests, contains numerous provisions governing the course of prison litigation in the federal courts. It provides, for example, limits on the availability of certain types of relief in such suits, see 18 U. S. C. §3626(a)(2) (1994 ed., Supp. III), and for the termination of prospective relief orders after a limited time, §3626(b). The section of the PLRA at issue here, §803(d)(3), places a cap on the size of attorney's fees that may be awarded in prison litigation suits:

> "(d) Attorney's fees
>
> "(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under [42 U. S. C. §1988], such fees shall not be awarded, except to the extent [authorized here].
>
> . . . . .
>
> "(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under [18 U. S. C. §3006A (1994 ed. and

> Supp. III)], for payment of court-appointed counsel." §803(d), 42 U. S. C. §1997e(d) (1994 ed., Supp. II).

Court-appointed attorneys in the Eastern District of Michigan are compensated at a maximum rate of $75 per hour, and thus, under §803(d)(3), the PLRA fee cap for attorneys working on prison litigation suits translates into a maximum hourly rate of $112.50.

Questions involving the PLRA first arose in both *Glover* and *Hadix* with respect to fee requests for postjudgment monitoring performed *before* the PLRA was enacted. In both cases, in early 1996, the plaintiffs submitted fee requests for work performed during the last half of 1995. These requests were still pending when the PLRA became effective on April 26, 1996. In both cases, the District Court concluded that the PLRA fee cap did not limit attorney's fees for services performed in these cases prior to the effective date of the Act. *Glover* v. *Johnson,* Civ. Action No. 77–71229 (ED Mich., June 3, 1996), App. 148a; *Hadix* v. *Johnson,* Civ. Action No. 80–73581 (ED Mich., May 30, 1996), App. 91a. The Sixth Circuit affirmed this interpretation of the PLRA on appeal. *Glover* v. *Johnson,* 138 F. 3d 229, 249–251 (1998); *Hadix* v. *Johnson,* 144 F. 3d, at 946–948.

Fee requests next were filed in both *Glover* and *Hadix* for services performed between January 1, 1996, and June 30, 1996, a time period encompassing work performed both before and after the effective date of the PLRA. As relevant to this case, the defendant state prison officials argued that these fee requests were subject to the fee cap found in §803(d)(3) of the PLRA, and the District Court accepted this argument in part. In nearly identical orders issued in the two cases, the court reiterated its earlier conclusion that the PLRA does *not* limit fees for work performed *before* April 26, 1996, but concluded that the PLRA fee cap *does* limit fees for services performed *after*

the effective date. *Hadix* v. *Johnson*, Case No. 80–73581 (ED Mich., Dec. 4, 1996), App. to Pet. for Cert. 27a; *Glover* v. *Johnson*, Case No. 77–71229 (ED Mich., Dec. 4, 1996), App. to Pet. for Cert. 33a.

The Court of Appeals for the Sixth Circuit consolidated the appeals from these orders, and, as relevant here, affirmed in part and reversed in part. *Hadix* v. *Johnson*, 143 F. 3d 246 (1998). According to the Court of Appeals, the PLRA's fee limitation does not apply to fee requests such as those in *Hadix* and *Glover* that relate to cases that were pending on the date of enactment. If it were applied to pending cases, the court held, it would have an impermissible retroactive effect, regardless of when the work was performed. 143 F. 3d, at 250–256.

The Court of Appeals' holding– that the PLRA's attorney's fees provisions do not apply to pending cases– is inconsistent with the holdings of other Circuits on these issues. For example, the Courts of Appeals for the Fourth and Ninth Circuits have held that §803(d) caps all fees that are ordered to be paid after the enactment of the PLRA, even when those fees compensate attorneys for work performed prior to the enactment of the PLRA. *Alexander S.* v. *Boyd*, 113 F. 3d 1373, 1385–1388 (CA4 1997), cert. denied, 522 U. S. 1090 (1998); *Madrid* v. *Gomez*, 150 F. 3d 1030 (CA9 1998). See also *Blissett* v. *Casey*, 147 F. 3d 218 (CA2 1998) (PLRA does not necessarily limit fees when work performed before effective date but award rendered after effective date), cert. pending, No. 98–527; *Inmates of D. C. Jail* v. *Jackson*, 158 F. 3d 1357, 1360 (CADC 1998) (holding that PLRA limits fees for work performed after effective date of Act, and suggesting in dicta that it does not apply to work performed prior to effective date), cert. pending, No. 98–917. We granted certiorari to resolve these conflicts. 525 U. S. ___ (1998). In this Court, the *Hadix* and *Glover* plaintiffs are respondents, and the defendant prison officials from both cases

are petitioners.

II

Petitioners contend that the PLRA applies to *Glover* and *Hadix*, cases that were pending when the PLRA was enacted. This fact pattern presents a recurring question in the law: When should a new federal statute be applied to pending cases? See, *e.g.*, *Lindh* v. *Murphy*, 521 U. S. 320 (1997); *Hughes Aircraft Co.* v. *United States ex rel. Schumer*, 520 U. S. 939 (1997). To answer this question, we ask first "whether Congress has expressly prescribed the statute's proper reach." *Landgraf* v. *USI Film Products*, 511 U. S. 244, 280 (1994). If there is no congressional directive on the temporal reach of a statute, we determine whether the application of the statute to the conduct at issue would result in a retroactive effect. *Ibid.* If so, then in keeping with our "traditional presumption" against retroactivity, we presume that the statute does not apply to that conduct. *Ibid.* See also *Hughes Aircraft Co.* v. *United States ex rel. Schumer*, *supra*, at 946.

A

1

Congress has not expressly mandated the temporal reach of §803(d)(3). Section 803(d)(1) provides that "[i]n any action brought by a prisoner who is confined [to a correctional facility] . . . attorney's fees . . . shall not be awarded, except" as authorized by the statute. Section 803(d)(3) further provides that "[n]o award of attorney's fees . . . shall be based on an hourly rate greater than 150 percent of the hourly rate established under [18 U. S. C. §3006A], for payment of court-appointed counsel." Petitioners contend that this language– particularly the phrase "[i]n *any* action *brought* by a prisoner who *is* con-

fined," §803(d)(1) (emphasis added)– clearly expresses a congressional intent that §803(d) apply to pending cases. They argue that "any" is a broad, encompassing word, and that its use with "brought," a past-tense verb, demonstrates congressional intent to apply the fees limitations to *all* fee awards entered after the PLRA became effective, even when those awards were for services performed before the PLRA was enacted. They also contend that §803(d)(3), by its own terms, applies to all "award[s]"– understood as the actual court order directing the payment of fees– entered after the effective date of the PLRA, regardless of when the work was performed.

The fundamental problem with all of petitioners' statutory arguments is that they stretch the language of §803(d) to find congressional intent on the temporal scope of that section when we believe that §803(d) is better read as setting *substantive* limits on the award of attorney's fees. Section 803(d)(1), for example, prohibits fee awards unless those fees were "directly and reasonably incurred" in the suit, and unless those fees are "proportionately related" to or "directly and reasonably incurred in enforcing" the relief ordered. 42 U. S. C. §1997e(d)(1). Similarly, §803(d)(3) sets substantive limits by prohibiting the award of fees based on hourly rates greater than a specified rate. In other words, these sections define the substantive availability of attorney's fees; they do not purport to define the temporal reach of these substantive limitations. This language falls short of demonstrating a "clear congressional intent" favoring retroactive application of these fees limitations. *Landgraf*, 511 U. S., at 280. It falls short, in other words, of the "unambiguous directive" or "express command" that the statute is to be applied retroactively. *Id.*, at 263, 280.

In any event, we note that "brought," as used in this section, is not a past-tense verb; rather, it is the participle in a participial phrase modifying the noun "action." And

although the word "any" is broad, it stretches the imagination to suggest that Congress intended, through the use of this one word, to make the fee limitations applicable to all fee awards. Finally, we do not believe that the phrase "[n]o award" in §803(d)(3) demonstrates congressional intent to apply that section to all fee awards (*i.e.*, fee payment orders) entered after the PLRA's effective date. Had Congress intended §803(d)(3) to apply to all fee orders entered after the effective date, even when those awards compensate for work performed before the effective date, it could have used language more obviously targeted to addressing the temporal reach of that section. It could have stated, for example, that "No award entered after the effective date of this Act shall be based on an hourly rate greater than the ceiling rate."

The conclusion that §803(d) does not clearly express congressional intent that it apply retroactively is strengthened by comparing §803(d) to the language that we suggested in *Landgraf* might qualify as a clear statement that a statute was to apply retroactively: "[T]he new provisions shall apply to all proceedings pending on or commenced after the date of enactment." *Id.*, at 260 (internal quotation marks omitted). This provision, unlike the language of the PLRA, unambiguously addresses the temporal reach of the statute. With no such analogous language making explicit reference to the statute's temporal reach, it cannot be said that Congress has "expressly prescribed" §803(d)'s temporal reach. *Id.*, at 280.

2

Respondents agree that §803(d) of the PLRA lacks an express directive that the statute apply retroactively, but they contend that the PLRA reveals congressional intent that the fees provisions apply *prospectively* only. That is, respondents insist that the PLRA's fees provisions demonstrate that they only apply to cases filed after the effective

date of the Act. For respondents, this congressional intent is evident from a study of the Act's structure and legislative history.

According to respondents, a comparison of §§802 and 803 of the PLRA leads to the conclusion that §803(d) should only apply to cases filed after its enactment. The attorney's fees provisions are found in §803 of the PLRA, and, as described above, this section contains no explicit directive that it should apply to pending cases. By contrast, §802– addressing "appropriate remedies" in prison litigation– explicitly provides that it applies to pending cases: "[This section] shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title." §802(b)(1), note following 18 U. S. C. §3626 (1994 ed., Supp. III). According to respondents, the presence of this express command in §802, when coupled with §803's silence, supports the negative inference that §803 is *not* to apply to pending cases. Respondents buttress this "negative inference" argument by reference to the legislative history of the fees provisions. Respondents contend that when the attorney's fees limitations were originally drafted, they were in the section that became §802 of the PLRA, which at the time contained language making them applicable to pending cases. Later, the fees provisions were moved to what became §803 of the PLRA, a section without language making it applicable to pending cases. Thus, according to respondents, when Congress moved the fees provisions out of §802, with its explicitly retroactive language, it demonstrated its intent to apply the fees provisions *prospectively* only. Brief for Respondents 15–18.

Respondents' "negative inference" argument is based on an analogy to our decision in *Lindh* v. *Murphy*, 521 U. S. 320 (1997). In *Lindh*, we considered whether chapter 153 of the newly enacted Antiterrorism and Effective Death

Penalty Act of 1996 (AEDPA), 110 Stat. 1214, was applicable to pending cases. In concluding that chapter 153 does not apply to such cases, we relied heavily on the observation that chapter 154 of AEDPA includes explicit language making that chapter applicable to pending cases. We concluded that "[n]othing . . . but a different intent explains the different treatment." 521 U. S., at 329. This argument carried special weight because both chapters addressed similar issues: Chapter 153 established new standards for review of habeas corpus applications by state prisoners, and chapter 154 created new standards for review of habeas corpus applications by state prisoners under capital sentences. Because both chapters "govern[ed] standards affecting entitlement to relief" in habeas cases, "[i]f . . . Congress was reasonably concerned to ensure that chapter 154 be applied to pending cases, it should have been just as concerned about chapter 153." *Ibid*.

Because §§802 and 803 address wholly distinct subject matters, the same negative inference does not arise from the silence of §803. Section 802 addresses "[a]ppropriate remedies" in prison litigation, prohibiting, for example, prospective relief unless it is "narrowly drawn" and is "the least intrusive means necessary to correct the violation." §802(a), 18 U. S. C. §3626(a)(1)(A) (1994 ed., Supp. III). That section also creates new standards designed to encourage the prompt termination of prospective relief orders, providing, for example, for the "immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right." §802(a), 18 U. S. C. §3626(b)(2). Section 803(d), by contrast, does not address the propriety of various forms of relief and does not provide for the imme-

diate termination of ongoing relief orders. Rather, it governs the award of attorney's fees. Thus, there is no reason to conclude that if Congress was concerned that §802 apply to pending cases, it would "have been just as concerned" that §803 apply to pending cases.

Finally, we note that respondents' reliance on the legislative history overstates the inferences that can be drawn from an ambiguous act of legislative drafting. Even if respondents are correct about the legislative history, the inference that respondents draw from this history is speculative. It rests on the assumption that the *reason* the fees provisions were moved was to move them away from the language applying §802 to pending cases, when they may have been moved for a variety of other reasons. This weak inference provides a thin reed on which to rest the argument that the fees provisions, by negative implication, were intended to apply prospectively.

B

Because we conclude that Congress has not "expressly prescribed" the proper reach of §803(d)(3), *Landgraf*, 511 U. S., at 280, we must determine whether application of this section in this case would have retroactive effects inconsistent with the usual rule that legislation is deemed to be prospective. The inquiry into whether a statute operates retroactively demands a common sense, functional judgment about "whether the new provision attaches new legal consequences to events completed before its enactment." *Id.*, at 270. This judgment should be informed and guided by "familiar considerations of fair notice, reasonable reliance, and settled expectations." *Ibid*.

For postjudgment monitoring performed before the effective date of the PLRA, the PLRA's attorney's fees provisions, as construed by the respondents, would have a retroactive effect contrary to the usual assumption that congressional statutes are prospective in operation. The attorneys in both *Hadix* and *Glover* had a reasonable expectation that work they performed prior to enactment of the PLRA in monitoring petitioners' compliance with the court orders would be compensated at the pre-PLRA rates as provided in the stipulated order. Long before the PLRA was enacted, the plaintiffs were declared prevailing parties, and the parties agreed to a system for periodically awarding attorney's fees for postjudgment monitoring. The District Court entered orders establishing that the fees were to be awarded at prevailing market rates, and specifically set those rates, as relevant here, at $150 per hour. Respondents' counsel performed a specific task–monitoring petitioners' compliance with the court orders–and they were told that they would be compensated at a rate of $150 per hour. Thus, when the lawyers provided these postjudgment monitoring services before the enactment of the PLRA, they worked in reasonable reliance on this fee schedule. The PLRA, as applied to work performed before its effective date, would alter the fee arrangement *post hoc* by reducing the rate of compensation. To give effect to the PLRA's fees limitations, after the fact, would "attac[h] new legal consequences" to completed conduct. *Landgraf*, *supra*, at 270.

Petitioners contest this conclusion. They contend that the application of a new attorney's fees provision is "'unquestionably proper,'" Brief for Petitioners 24 (quoting *Landgraf*, *supra*, at 273), because fees questions "are incidental to, and independent from, the underlying substantive cause of action." They do not, in other words,

change the substantive obligations of the parties because they are "collateral to the main cause of action." Brief for Petitioners 24–25 (quoting *Landgraf*, 511 U. S., at 277) (internal quotation marks omitted). Attaching the label "collateral" to attorney's fees questions does not advance the retroactivity inquiry, however. While it may be possible to generalize about types of rules that ordinarily will not raise retroactivity concerns, see, *e.g.*, *id.*, at 273–275, these generalizations do not end the inquiry. For example, in *Landgraf*, we acknowledged that procedural rules may often be applied to pending suits with no retroactivity problems, *id.*, at 275, but we also cautioned that "the mere fact that a new rule is procedural does not mean that it applies to every pending case," *id.*, at 275, n. 29. We took pains to dispel the "sugges[tion] that concerns about retroactivity have no application to procedural rules." *Ibid.* See also *Lindh* v. *Murphy*, 521 U. S., at 327–328. When determining whether a new statute operates retroactively, it is not enough to attach a label (*e.g.*, "procedural," "collateral") to the statute; we must ask whether the statute operates retroactively.

Moreover, petitioners' reliance on our decision in *Bradley* v. *School Bd. of Richmond*, 416 U. S. 696 (1974), to support their argument that attorney's fees provisions can be applied retroactively is misplaced. In *Bradley*, the District Court had awarded attorney's fees, based on general equitable principles, to a group of parents who had prevailed in their suit seeking the desegregation of the Richmond schools. While the case was pending on appeal, Congress passed a statute specifically authorizing the award of attorney's fees for prevailing parties in school desegregation cases. The Court of Appeals held that the new statute could not authorize fee awards for work performed before the effective date of the new law, but we reversed, holding that the fee award in that case was proper. Because attorney's fees were available, albeit

under different principles, before passage of the statute, and because the District Court had in fact already awarded fees invoking these different principles, there was no manifest injustice in allowing the fee statute to apply in that case. *Id.*, at 720–721. We held that the award of statutory attorney's fees did not upset any reasonable expectations of the parties. See also *Landgraf, supra,* at 276–279 (distinguishing *Bradley* on these same grounds). In this case, by contrast, from the beginning of these suits, the parties have proceeded on the assumption that 42 U. S. C. §1988 would govern. The PLRA was not passed until well after respondents had been declared prevailing parties and thus entitled to attorney's fees. To impose the new standards now, for work performed before the PLRA became effective, would upset the reasonable expectations of the parties.

2

With respect to postjudgment monitoring performed after the effective date of the PLRA, by contrast, there is no retroactivity problem. On April 26, 1996, through the PLRA, the plaintiffs' attorneys were on notice that their hourly rate had been adjusted. From that point forward, they would be paid at a rate consistent with the dictates of the law. After April 26, 1996, any expectation of compensation at the pre-PLRA rates was unreasonable. There is no manifest injustice in telling an attorney performing postjudgment monitoring services that, going forward, she will earn a lower hourly rate than she had earned in the past. If the attorney does not wish to perform services at this new, lower, pay rate, she can choose not to work. In other words, as applied to work performed after the effective date of the PLRA, the PLRA has future effect on future work; this does not raise retroactivity concerns.

Respondents contend that the PLRA has retroactive

effect in this context because it attaches new legal consequences (a lower pay rate) to conduct completed before enactment. The pre-enactment conduct that respondents contend is affected is the attorney's initial decision to file suit on behalf of the prisoner clients. Brief for Respondents 29–31. Even assuming, *arguendo*, that when the attorneys filed these cases in 1977 and 1980, they had a reasonable expectation that they would be compensated for postjudgment monitoring based on a particular fee schedule (*i.e.*, the pre-PLRA, "prevailing market rate" schedule), respondents' argument that the PLRA affects pre-PLRA conduct fails because it is based on the assumption that the attorney's initial decision to file a case on behalf of a client is an irrevocable one. In other words, respondents' argument assumes that once an attorney files suit, she must continue working on that case until the decree is terminated. Respondents provide no support for this assumption, however. They allude to ethical constraints on an attorney's ability to withdraw from a case midstream, see Brief for Respondents 29 ("And finally, it is at that time that plaintiffs' counsel commit themselves ethically to continued representation of their clients to ensure that the Constitution is honored, a course of conduct that cannot lightly be altered"), but they do not seriously contend that the attorneys here were prohibited from withdrawing from the case during the postjudgment monitoring stage, see, *e.g.*, Tr. of Oral Arg. 42–43. It cannot be said that the PLRA changes the legal consequences of the attorneys' pre-PLRA decision to file the case.

C

In sum, we conclude that the PLRA contains no express command about its temporal scope. Because we find that the PLRA, if applied to postjudgment monitoring services performed before the effective date of the Act, would have

a retroactive effect inconsistent with our assumption that statutes are prospective, in the absence of an express command by Congress to apply the Act retroactively, we decline to do so. *Landgraf,* 511 U. S., at 280. With respect to postjudgment monitoring performed after the effective date, by contrast, there is no retroactive effect, and the PLRA fees cap applies to such work. Accordingly, the judgment of the Court of Appeals for the Sixth Circuit is affirmed in part and reversed in part.

It is so ordered.