

01-51-CD.
CURTIS X. THOMAS -vs- JOHN M. MCCULLOUGH

SARA HART, Esq
CHIEF Counsel
55 UTLEY DRIVE

ALLAN ROBINSON

CAMP HILL, PA. 17011

FAX: 717-975-2217

ATTN: BRAWDS

(51)

CURTIS X. THOMAS

P.O. Box 200 # AF-5268

CAMP HILL, PA. 17001-0200

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

Returned to
Camp Hill

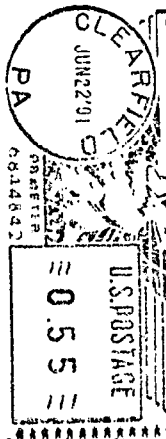
RETURN TO SENDER

William A. Shaw
Prothonotary

JUN 26 2001

FILED
Curtis X. Thomas
#AF-5268
DA 4664 4000

NOT HERE



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:
EX REL. CURTIS X. THOMAS

-vs-

No. 01 - 51 - CD

JOHN M. MCCULLOUGH,
SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT
HOUTZDALE

OPINION

Curtis X. Thomas, Appellant herein and an inmate at the State Correction Institute at Houtzdale, petitioned this Court on January 10, 2001, seeking in forma pauperis status to proceed on a Petition for Writ of Habeas Corpus attached to this Opinion. He also sought the appointment of counsel to represent him in the proceeding. Following examination of Appellant's Petition, this Court entered an Order on January 24, 2001, dismissing his Petition for in forma pauperis status and appointment of counsel.

Although Appellant is clearly indigent, his Petition for Writ of Habeas Corpus is clearly improper in that it seeks relief from alleged improprieties with regards to his incarceration. Clearly there are procedures within the state correction institute itself to address the prisoner's complaints and the issues he raises are not such that this Court can review or rule upon and therefore, this Court denied him in forma pauperis status and the appointment of counsel.

By the Court,

/s/JOHN K. REILLY, JR.

Dated: June 22, 2001

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

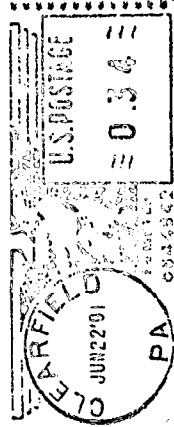
President Judge

JUN 22 2001

Attest.

William L. Shaw
Prothonotary

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830



NOT HERE

FILED

JUN 26 2001

William A. Shaw
Prothonotary

A handwritten signature, likely of William A. Shaw, is written over the printed name and title.

REMAINDER TO
CAMP HILL



Curtis X. Thomas

PROTHONOTARY #AF-5268

PROTHONOTARY #AF-5268

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330

JOHN K. REILLY, JR., P.J.
COURT OF COMMON PLEAS
230 E. MARKET STREET
CLEARFIELD, PA 16830

SARA HART, ESQ.
CHIEF COUNSEL
55 UTLEY DRIVE
CAMP HILL, PA 17011

CURTIS X. THOMAS
S.C.I. HOUTZDALE
P.O. BOX 1000 #AF 5268
HOUTZDALE, PA 16651-1000

RE: CURTIS X. THOMAS
VS.
JOHN M. MCCULLOUGH

NO. 01-51-CD COMMONWEALTH COURT 824-CD-2001

DEAR COUNSEL:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED RECORD WAS
FORWARDED TO COMMONWEALTH COURT OF PENNSYLVANIA ON JUNE
22, 2001.

SINCERELY,

WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

5-25-01

JLR

File to

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Domestic Mail Only; No Insurance Coverage Provided

Article Sent To:
Commonwealth Court of Pennsylvania

Postage	\$ 2.86
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.00
Restricted Delivery Fee (Endorsement Required)	1.00
Total Postage & Fees	\$ 6.76

Postmark Here
JUN 22 2001
1430
USPS
CLEAR

Name (Please Print Clearly) (to be completed by mailer)
OFFICE OF THE PROTHONOTARY

Street, Apt. No., or PO Box No.
P.O. BOX 11730

City, State, ZIP+4
HARRISBURG, PA 17130

PS Form 3800, July 1999 See Reverse for Instructions

7000 0600 0023 6399 4043

FILED

JUN 22 2001

William A. Shaw
Prothonotary

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

CLEARFIELD COUNTY



P.O. Box 549

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-2641 Ext. 1330

DAVID S. AMMERMAN

SOLICITOR

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

JUNE 22, 2001

COMMONWEALTH COURT OF PENNSYLVANIA
OFFICE OF THE PROTHONOTARY
P O BOX 11730
HARRISBURG, PA 17108

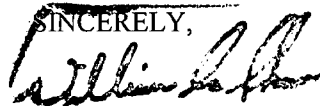
IN RE: CURTIS X. THOMAS

VS

JOHN M. MCCULLOUGH
CASE # 01-51-CD, COMMONWEALTH NO. 824-CD-2001

DEAR PROTHONOTARY:

ENCLOSED YOU WILL FIND THE ABOVE REFERENCED COMPLETE RECORD
APPEALED TO YOUR OFFICE.

SINCERELY,


WILLIAM A. SHAW
PROTHONOTARY

WAS
ENCLOSURES

Date		Judge
Curtis X. Thomas vs. John M. McCullough		
01/10/2001	New Case Filed.	No Judge
	Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash)	No Judge
01/25/2001	Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed.	John K. Reilly Jr.
02/22/2001	Notice of Appeal, Filed by s/Curtis X. Thomas Motion for Docket Entries Filed by s/Curtis X. Thomas Motion for Transcripts. Filed by s/Curtis X. Thomas Application For the Appointment of Appellate Counsel filed by s/Curtis X. Thomas Proof of Service. Filed by s/Curtis X. Thomas	John K. Reilly Jr.
02/26/2001	Application to Appeal In Forma Pauperis, filed by Defendant	John K. Reilly Jr.
	Notice of Appeal Returned from Superior Court for the following reasons, filed.	John K. Reilly Jr.
02/27/2001	ORDER, NOW, this 27th day of Feb. 2001, Defendant's Application to Appeal In Forma Pauperis, be and is hereby DISMISSED. By the Court, s/JKR,JR.,PJ 1 cc Defendant McCullough, Plaintiff Curtis Thomas	John K. Reilly Jr.
03/14/2001	Amended Proof of Service, filed by Defendant Cert. copy to Superior Court	John K. Reilly Jr.
03/20/2001	Mailed copy of Notice of Appeal with Amended Proof of Service to Superior, as requested from Superior Court.	No Judge
03/23/2001	Notice of Appeal Returned from Superior Court. Filed.	John K. Reilly Jr.
04/30/2001	ORDER, filed. Cert. to C. Thomas, Atty. Hart c/o John McClough NOW, this 30th day of April, 2001, RE: Defendant to file concise statement of the matters complained of on Appeal.	John K. Reilly Jr.
	Notice of Docketing Appeal from Commonwealth Court of Pennsylvania, filed. #824 CD 2001	John K. Reilly Jr.
05/24/2001	Statement of Matters Complained of on Appeal, filed by Deft. No Cert. Copies.	John K. Reilly Jr.
06/22/2001	OPINION, filed. Cert. to Atty. Hart & Deft.	John K. Reilly Jr.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

CURTIS X. THOMAS
VS

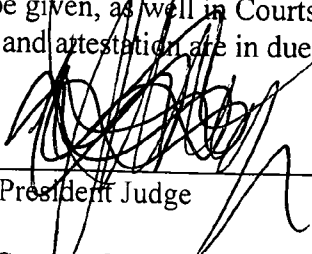
JOHN M. MCCULLOUGH

So full and entire as the same remains of record before the said Court, at No. 01-51-CD

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 25th Day of May, 2001.


Prothonotary/Clerk of Courts

I, **John K. Reilly, Jr.**, President Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw**, by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by proper officer.


President Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **John K. Reilly, Jr.**, President Judge by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is President Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have
hereunto set my hand and affixed
the seal of said Court, this ____ day
of _____, _____.

Prothonotary/Clerk of Courts

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

01-51-CD

CURTIS X. THOMAS
VS.
JOHN M. MCCULLOUGH

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to No. 12**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is

_____.

Prothonotary/Clerk of Courts

(seal)

Commonwealth Court of Pennsylvania

April 26, 2001

RE: Comwlth. Ex Rel v. McCullough
No.: 824 CD 2001
Agency Docket Number: 2001-51-CD
Filed Date: February 22, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

Attorney Name	Party Name	Party Type
Sarah Baseden Hart, Esq.	John M. McCullough	Appellee
Curtis X. Thomas	Curtis X. Thomas	Appellant

FILED

APR 30 2001
M/4:00/WR
William A. Shaw
Prothonotary

#10

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

f24C2001
No. 2001-51-.C.D
Habeas Corpus

Notice of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ of Habeas Corpus Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

FILED

FEB 22 2001

m / 12:05 / w

William A. Shaw
Prothonotary

CRNO NOTICE TO Superior Court.

CRNO COPY TO C/A + COURT REPORTER

sl. Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro S
P.O. Box 1000 * AF-5268
Houtzdale, Pa. 16698-1000

Received
and
certified for filing.

MAR 20 2001

Attest

William A. Shaw
Prothonotary

2

Commonwealth Court of Pennsylvania

April 26, 2001

RE: Comwlth. Ex Rel v. McCullough
No.: 824 CD 2001
Agency Docket Number: 2001-51-CD
Filed Date: February 22, 2001

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If you have special needs, please contact this court in writing as soon as possible.

Attorney Name	Party Name	Party Type
Sarah Baseden Hart, Esq.	John M. McCullough	Appellee
Curtis X. Thomas	Curtis X. Thomas	Appellant

FILED

APR 30 2001
M/4:00/ux
William A. Shaw
Prothonotary

#10

Address all written communications to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
P.O. Box 11730
Harrisburg, PA 17108
(717) 255-1650

Filings may be made in person at the following address (except on Saturdays, Sundays and holidays observed by Pennsylvania Courts) between 9:00 a.m. and 4:00 p.m.

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Room 624
Sixth Floor
South Office Building
Harrisburg, PA 17120
(717) 255-1650

Pleadings and similar papers (but not paperbooks or certified records) may also be filed in person only at:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Filing Office
Suite 990
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 560-5742

The hours of the Philadelphia Filing Office are 9:00 a.m. to 4:00 p.m.

Under Pa.R.A.P. 3702, writs or other process issuing out of the Commonwealth Court shall exit only from the Harrisburg Office.

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas
-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

24C2001
No. 2001-SI-.CD
Habeas Corpus

Notice of Appeal

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sl. Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 * AF-5268
Houtzdale, Pa. 16698-1000

FILED

FEB 22 2001

m / 12:05 / w

William A. Shaw
Prothonotary

ET
FEB

CRIM NOTICE TO SUPERIOR COURT.

CRIM COPY TO C/A + COURT REPORTER

SEARCHED
SERIALIZED
INDEXED
FILED

MAR 20 2001

Attest.

William A. Shaw
Prothonotary

2

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
CASE # 01-51-CD
CURTIS X. THOMAS
VS.**

JOHN M. MCCULLOUGH

ITEM NO.	DATE of FILING	NAME of DOCUMENT	NO of PAGES
01	01-10-01	APPLICATION TO PROCEED IN FORMA PAUPERIS	10
02	01-25-01	ORDER	01
03	02-22-01	NOTICE OF APPEAL	07
04	02-26-01	APPLICATION TO APPEAL IN FORMA PAUPERIS	10
05	02-26-01	NOTICE OF APPEAL RETURNED FROM SUPERIOR COURT	08
06	02-27-01	ORDER	01
07	03-14-01	AMENDED PROOF OF SERVICE	02
08	03-23-01	NOTICE OF APPEAL RETURNED FROM SUPERIOR COURT	10
09	04-30-01	ORDER	01
10	04-30-01	NOTICE OF DOCKETING APPEAL FROM COMMONWEALTH COURT OF PA	03
11	05-24-01	STATEMENT OF MATTERS COMPLAINED OF ON APPEAL	03
12	06/22/01	OPINION	07

Date	Judge
Curtis X. Thomas vs. John M. McCullough New Case Filed. 01/10/2001	No Judge
Filing: Application to Proceed in Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash) 01/25/2001	No Judge
Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed. 02/22/2001	John K. Reilly Jr.
Notice of Appeal, Filed by s/Curtis X. Thomas Motion for Docket Entries Filed by s/Curtis X. Thomas Motion for Transcripts. Filed by s/Curtis X. Thomas Application For the Appointment of Appellate Counsel filed by s/Curtis X. Thomas Proof of Service. Filed by s/Curtis X. Thomas Application to Appeal in Forma Pauperis, filed by Defendant 02/26/2001	John K. Reilly Jr.
Notice of Appeal Returned from Superior Court for the following reasons, filed. 02/28/2001	John K. Reilly Jr.
ORDER, NOW, this 27th day of Feb. 2001, Defendant's Application to Appeal in Forma Pauperis, be and is hereby DISMISSED. By the Court, s/JKR,JR., PJ 1 cc Defendant McCullough, Plaintiff Curtis Thomas Amended Proof of Service, filed by Defendant Cert. copy to Superior Court 03/14/2001	John K. Reilly Jr.
Mailed copy of Notice of Appeal with Amended Proof of Service to Superior, as requested from Superior Court. 03/20/2001	No Judge
Notice of Appeal Returned from Superior Court. Filed. 03/23/2001	John K. Reilly Jr.
ORDER, filed. Cert. to C. Thomas, Atty. Hart c/o John McClough NOW, this 30th day of April, 2001, RE: Defendant to file concise statement of the matters complained of on Appeal. Notice of Docketing Appeal from Commonwealth Court of Pennsylvania, filed. #824 CD 2001 04/30/2001	John K. Reilly Jr.

Brandi Allman
55 return

Brady - Dept. of Corrections
looked over dk+ entries
called institution &
attorney's office - still
need some

717-731-0444

Prothonotary
PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

Clearfield County
Courthouse

Fax

To: BRANDI

From: William A. Shaw

Fax: 717-975-2217

Date: 5-1-01

Phone:

Pages: 2

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

In The Court of Common Pleas of Chesterfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

No. _____

Habeas Corpus

ORDER

And Now, this _____ day of _____, 200____,
upon consideration of Petitioner's Application For The Appointment
Of Counsel and it appearing that Petitioner is entitled to
counsel, It Is Hereby Ordered that the application is Granted.
The Court hereby appoints: _____

to represent Petitioner in the above captioned habeas corpus
matter at a rate to be determined by the Court.

By The Court:

_____. J.

1 " In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
Ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Hutzdale

No. _____
Habeas Corpus

Application For The Appointment Of Counsel

Now Comes, Petitioner Curtis X Thomas, by and through himself, who respectfully moves this Honorable Court for the appointment of counsel to represent him in the above-captioned matter, and avers the following in support thereof:

1. Petitioner is presently confined at the State Correctional Institution at Hutzdale in H-Unit Restricted Housing Unit.
2. Petitioner is confined the Restricted Housing Unit as a result of the denial of due process in a disciplinary proceeding.
3. Petitioner is unable to obtain counsel to represent him in this matter because he is indigent and unemployed.
4. Petitioner is unable to obtain funds from anyone, including his family and associates by way of compensation for counsel, and represents that the answers to the following questions are true and correct to the best of his personal knowledge, information and belief:

a. Do you have any money? YES. If so, how much? \$.15

b. Do you own an automobile? No

c. Do you own any real estate? No

d. Do you own any other property or do you have any other assets? No

e. Does anyone owe you money? No

f. Where did you work last? S.C.I. Hartzdale School & Library

g. What salary or wages were you receiving? 24 cents per hour, four 8 hours daily, for 5 days a week

h. What is your social security number? 185-44-4484

Wherefore, Petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this habeas corpus matter without fee or cost to Petitioner.

Respectfully submitted,

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 * AF- 5268

S.C.I. at Hartzdale

Hartzdale, Pa. 16698-1000

Date: December 14, 2000

Verification

I, Curtis X Thomas, hereby verify that the statements made in the foregoing Application For The Appointment of Counsel ARE true and correct to the best of my personal knowledge, information and belief.

I understand that any false statements ARE made subject to the provisions of 18 Pa.C.S. section 4904, relating to unsworn falsification to authorities.

s/ Mr. ~~Curtis~~ X Thomas

Date: December 14, 2000

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

Habeas Corpus

Order

And now, this _____ day of December, 2000, upon consideration of the within petition and upon motion of petitioner, pro se, it is directed that a writ of habeas corpus ad subjiciendum be issued forthwith and that a hearing be held on the _____ day of December, 2000 at _____ o'clock _____ m. in court room No. _____, court house, _____, Pennsylvania, and that the prothonotary be directed to serve John M. McCullough, Superintendent Of The State Correctional Institution at Houtzdale, P.O. Box 1000, Houtzdale, Pennsylvania 16698-1000, with the said writ or a copy.

Notice of said hearing shall be given forthwith to the Office Of The Chief Counsel, Pennsylvania Department Of Corrections P.O. Box 598, Camp Hill, Pennsylvania 17001-0598.

By the Court:

_____, Judge.

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

Habeas Corpus

Writ Of Habeas Corpus

To: John M. McCullough, Superintendent
State Correctional Institution at Houtzdale
Houtzdale, Pennsylvania

Greetings:

We command you, that the body of Curtis X Thomas *AF-5268, under your custody detained, as it is said, by whatsoever name he may be detained, you bring before the Honorable _____, Judge of our Court of Common Pleas, in the County of Clearfield at the court house, in court room No. _____, at _____ o'clock _____ M., on the _____ day of December, 2000 to do, submit to, and receive whatsoever our said Judge shall then and there consider in that behalf.

Witness, the Honorable _____, Judge of our Court, the _____ day of December, 2000.

Prothonotary

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas,

Petitioner

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale
P.O. Box 1000 Houtzdale, Pennsylvania 16698.

Respondent

No. _____
Habeas Corpus

Petition for Writ of Habeas Corpus

To the Honorable, the Judges of the Said Court:

The petitioner, Curtis X Thomas, respectfully represents:

1. Petitioner believes and therefore avers that on September 22, 2000 at approximately 3:00 P.M. petitioner was removed from F-Block Pod B cell 37 in the general prison population of the State Correctional Institution at Houtzdale and confined to H-Block Pod C cell 2 in the Restricted Housing Unit and placed in pre-hearing confinement pursuant to Department Of Corrections (hereinafter D.O.C.) Policy Statement number DC-ADM 801 (hereinafter DC-ADM 801).

2. Petitioner received D.O.C. Revised June-1984 (hereinafter Rev. 6-84) Form DC-141 Part 1 Misconduct Report no. 992622 charging him with *33 Using abusive, obscene, or inappropriate language to an employee, *35 Refusing to obey an order, *42 Lying

to an employee, and #43 Presence in an unauthorized area. With this report petitioner also received Rev. 6-84 Forms DC-141 Part II A Inmate Request For Representation And Witnesses and DC-141 Part II C Hearing Supplement, Inmate Version And Witness Statements form at approximately 5:43 P.M. on September 22, 2000. These three (3) forms were served by Correctional Officer Grice (hereinafter C.O. Grice).

3. Rev. 6-84 Form DC-141 Part II A Inmate Request For Representation And Witnesses states: "In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 A.M. the first working day after you receive notice of the misconduct."

4. DC-ADM 801 defines "Working Days" as: "The normal work days of the Department, Monday through Friday, excluding holidays."

5. Petitioner completed form DC-141 Part II A by requesting representation by staff and two (2) staff witnesses. This completed form was given to H-Block Restricted Housing Unit staff member C.O. Grice at 5:38 P.M. on September 23, 2000 which was a non working day.

6. Petitioner was taken to a disciplinary hearing of misconduct report no. 992622 at approximately 11:20 A.M. on September 26, 2000 which was conducted by Hearing Examiner - Carol Baker. This hearing was not conducted in the normal Hearing Room where witnesses and representatives are normally permitted, but conducted in the secure location of the Restricted Housing Unit where representatives and witnesses are not normally permitted to enter.

7. Petitioner informed the Hearing Examiner - Carol Baker that a properly submitted request for representation and witnesses - Rev. 6-84 form DC-141 Part II A - had been filed. The Hearing Examiner informed petitioner that she was not in possession of such form but nevertheless representation was no longer permitted under new procedures and that witnesses would not be required in this matter.

8. Petitioner did not submit a REV. 6-84 DC-141 Part II C Hearing Supplement, Inmate Version And Witness Statements form at the hearing of this misconduct report because it was his intention to have his representative marshal the facts and present a defense on this form after conducting a proper investigation since petitioner was confined the Restricted Housing Unit and unable to do so himself. Petitioner did give a verbal statement which refuted the charges in the misconduct report to which he plead not guilty. Petitioner's statement was given under oath and was not recorded by the Hearing Examiner on Rev. 6-84 form DC-141 Part II B Disciplinary Hearing Report.

9. Petitioner, at the conclusion of the disciplinary hearing, was found guilty of charges no. 33 and no. 35 with charges no. 42 and no. 43 dismissed by Hearing Examiner - Carol Baker. This act of factfinding and rendering of guilt was not based on a preponderance of evidence but based on no evidence of guilt presented at the hearing of this misconduct report.

10. Petitioner did not receive a written statement of the evidence relied upon to find guilt and the reasons for the decision and sanction given by Hearing Examiner - Carol Baker on form DC-141 Part II B.

11. Petitioner avers that all the actions taken against him by Hearing Examiner - Carol Baker in the matter of Misconduct Report no. 992622 were in violation of due process under the state and federal constitutions, state law, and D.O.C. policy.

12. Petitioner believes and therefore avers that all the actions taken against him by Hearing Examiner - Carol Baker has caused petitioner: 1) to be confined to the Restricted Housing Unit, 2) to lose two (2) prison employment assignments and wages, 3) to lose a level three (3) custody status, and 4) to become eligible for transfer to a long-term lock-down control unit for disciplinary purposes at another correctional institution.

13. Wherefore, petitioner requests that a writ of habeas corpus be issued directed at the Superintendent of the State Correctional Institution at Hartzdale to deliver petitioner before the Court of Common Pleas of Clearfield County, that Misconduct Report no. 992622 be dismissed and petitioner be restored to his custody status, privileges, employment assignments plus back wages and transfer to a State Correctional Institution of his choosing. It is further requested that petitioner not be transferred to a more punitive Restricted Housing Unit at any other Correctional Institution to defeat this petition.

s/ Mr. Curtis X Thomas
Mr. Curtis X Thomas
P.O. Box 1000 *AF-S268
Hartzdale, PA. 16698-1000

Date Filed: December 1, 2000

Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Hartzdale, PA. 16698-1000

April 15, 2001

Mr. William A. Shaw, Clerk Of Court
Court of Common Pleas Clearfield County
P.O. Box 549
Clearfield, PA. 16830

In re: Commonwealth of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent. No. 2001-51-CD

Dear Mr. Shaw:

In the above captioned case a Notice Of Appeal and Motion for Docket Entries was filed on February 20, 2001. I would greatly appreciate it if you could forward me a copy of the Docket Entries at your earliest convenience.

In addition, I am looking to file a private criminal complaint and would like to know if the Court produces a form for this type of action or should I just draw-up my own form? If the Court has a Standard Form for Criminal Complaints (private) I would greatly appreciate it if you could forward me two forms.

Very truly yours,

Curtis X Thomas

cc: file

Date		Judge
Curtis X. Thomas vs. John M. McCullough		
01/10/2001	New Case Filed.	No Judge
	Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash)	No Judge
01/25/2001	Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed.	John K. Reilly Jr.
02/22/2001	Notice of Appeal, Filed by s/Curtis X. Thomas Motion for Docket Entries Filed by s/Curtis X. Thomas Motion for Transcripts. Filed by s/Curtis X. Thomas Application For the Appointment of Appellate Counsel filed by s/Curtis X. Thomas Proof of Service. Filed by s/Curtis X. Thomas	John K. Reilly Jr.
02/26/2001	Application to Appeal In Forma Pauperis, filed by Defendant	John K. Reilly Jr.
	Notice of Appeal Returned from Superior Court for the following reasons, filed.	John K. Reilly Jr.
02/28/2001	ORDER, NOW, this 27th day of Feb. 2001, Defendant's Application to Appeal In Forma Pauperis, be and is hereby DISMISSED. By the Court, s/JKR, JR., PJ 1 cc Defendant McCullough, Plaintiff Curtis Thomas	John K. Reilly Jr.
03/14/2001	Amended Proof of Service, filed by Defendant Cert. copy to Superior Court	John K. Reilly Jr.
03/20/2001	Mailed copy of Notice of Appeal with Amended Proof of Service to Superior, as requested from Superior Court.	No Judge
03/23/2001	Notice of Appeal Returned from Superior Court. Filed.	John K. Reilly Jr.

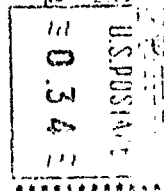
WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

RETURN TO SENDER

NOT HERE

7921

NOT HERE



~~MAIL ROOM~~
~~POST BOX 1000~~



- ☐ INSUFFICIENT ADDRESS
- ☐ ATTEMPTED NOT KNOWN
- ☒ NO SUCH NUMBER/STREET
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD

A
C
S

16830-0

16830-0

Mr. Curtis X Thomas
P.O. Box 1000 *AF-5268
Huntzdale, Pa. 16698-1000

MAILED TO
Superior Court
3-29-01

March 26, 2001 ^W copy
- OF

Mr. William A. Shaw, Clerk of Courts
Court of Common Pleas of Clearfield County
P.O. Box 549, 230 East Market Street
Clearfield, Pa. 16830

Notice of Appeal
Prisoner for
Felonies
Prison
3-23-01

RE: Commonwealth of Pennsylvania exrel. Curtis X Thomas vs.
John M. McCullough, Superintendent No. 2001-51-CD

Dear Mr. Shaw:

Enclosed please find an original and three copies of each:
Application To Appeal In Forma Pauperis and Application For The Appointment
Of Appellate Counsel to be forwarded to Ms. Eleanor R. Valecko,
Deputy Prothonotary, Superior Court of Pennsylvania.

I was under the impression that I was supposed to forward
these documents directly to the Superior Court and therefore
did not enclose them in my March 12, 2001 mailing to you. I
thought I had to wait for a docket number than forward them
to the Deputy Prothonotary. Please excuse my confusion.

Very truly yours.

Curtis X Thomas

cc: file

In The Superior Court Of Pennsylvania

Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas
vs.

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

Sup. Ct. No. _____

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, in the above captioned cause, makes this application to appeal in forma pauperis to the Superior Court Of Pennsylvania from the Order of the Court Of Common Pleas Of Clearfield County entered January 24, 2001 which dismissed a petition for writ of habeas corpus challenging the conditions of confinement at the State Correctional Institution at Hartzdale for lack of jurisdiction. In Forma Pauperis status was denied by the Court Of Common Pleas Of Clearfield County on February 27, 2001.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 * AF-5268
Hartzdale, PA. 16698-1000

In The Superior Court of Pennsylvania
Commonwealth of Pennsylvania
ex cel. Curtis X Thomas
vs.

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

No. 2001-51-CD

Sup. Ct. No. _____

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa.C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal in the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a gift of \$200.00 for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes. I own an unused bank account with a \$500 balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? YES. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any of the questions in this verified statement will subject me to the penalties provided by law.

DATE: March 6, 2001

(s) Mr. ~~Curtis~~ X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of .45 on account to his credit at the State Correctional Institution at Hantzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None known

I further certify that during the last six months the petitioners' average balance was \$ 10.12

(s) Christine Afton - Accounting Assistant
Authorized Officer of Institution

(e) Do you have debts and obligations? YES. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any of the questions in this verified statement will subject me to the penalties provided by law.

Date: March 6, 2001

(s) Mr. ~~Curtis~~ X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of .45 on account to his credit at the State Correctional Institution at Hartzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None known

I further certify that during the last six months the petitioners' AVERAGE balance was # 10.12

(s) Christine Afton - Accounting Assistant
Authorized Officer of Institution

In The Superior Court Of Pennsylvania
Commonwealth of Pennsylvania
ex rel. Curtis X Thomas
vs.

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Sup. Ct. No. _____

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to this Court in the above captioned matter and avers the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Houtzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the Petition for Writ of Habeas Corpus petitioner filed on December 1, 2000 In the Court Of Common Pleas seeking relief from the conditions of his confinement pursuant to Pennsylvania Rules Of Criminal Procedure 1701(b) and 42 Pa. C.S. section 6502(b). The Court Of Common Pleas denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the Staff Para-Legal at the prison because he is attempting to challenge the

Authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paying System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Honorable Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal nor file an emergency petition for writ of habeas corpus to the Superior Court of Pennsylvania to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this Appeal before the Superior Court of Pennsylvania.

(s) Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 *AF-5268
Houtzdale, Pa. 16698-1000

In The Superior Court Of Pennsylvania

Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas
vs.

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

No. 2001-SI-CD

Sup. Ct. No. _____

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, in the above captioned cause, makes this application to appeal in forma pauperis to the Superior Court Of Pennsylvania from the Order of the Court Of Common Pleas Of Clearfield County entered January 24, 2001 which dismissed a petition for writ of habeas corpus challenging the conditions of confinement at the State Correctional Institution at Hartzdale for lack of jurisdiction. In Forma Pauperis status was denied by the Court Of Common Pleas Of Clearfield County on February 27, 2001.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se -
P.O. Box 1000 * AF-5268
Hartzdale, PA. 16698-1000

In The Superior Court of Pennsylvania
Commonwealth of Pennsylvania
ex rel. Curtis X Thomas
vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

Sup. Ct. No. _____

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa.C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal in the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a gift of \$200.00 for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes. I own an unused bank account with a \$500 balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? YES. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any of the questions in this verified statement will subject me to the penalties provided by law.

Date: March 6, 2001

(s) Mr. ~~James~~ X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of .45 on account to his credit at the State Correctional Institution at Hartzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None Known

I further certify that during the last six months the petitioners' AVERAGE balance was \$10.12

(s) Christine O'Brien - Accounting Assistant
Authorized Officer of Institution

In The Superior Court Of Pennsylvania
Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas
vs.

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Sup. Ct. No. _____

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to this Court in the above captioned matter and AVERs the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Houtzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the Petition For Writ Of Habeas Corpus petitioner filed on December 1, 2000 in the Court Of Common Pleas seeking relief from the conditions of his confinement pursuant to Pennsylvania Rules Of Criminal Procedure 1701(b) and 42 Pa.C.S. section 6502 (b). The Court Of Common Pleas denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the Staff Para-Legal at the prison because he is attempting to challenge the

Authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paging System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Honorable Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal nor file an emergency petition for writ of habeas corpus to the Superior Court of Pennsylvania to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this appeal before the Superior Court of Pennsylvania.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

In The Superior Court of Pennsylvania

Commonwealth of Pennsylvania
Ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

No. 2001-SI-CD

Sup. Ct. No. _____

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, in the above captioned cause, makes this application to appeal in forma pauperis to the Superior Court of Pennsylvania from the Order of the Court of Common Pleas of Clearfield County entered January 24, 2001 which dismissed a petition for writ of habeas corpus challenging the conditions of confinement at the State Correctional Institution at Hartzdale for lack of jurisdiction. In Forma Pauperis status was denied by the Court of Common Pleas of Clearfield County on February 27, 2001.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 *AF-5268
Hartzdale, Pa. 16698-1000

In The Superior Court Of Pennsylvania
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Hatzdale

No. 2001-51-CD

Sup. Ct. No. _____

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa.C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal in the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a gift of \$200⁰⁰ for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes. I own an unused bank account with a \$5⁰⁰ balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? Yes. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any of the questions in this verified statement will subject me to the penalties provided by law.

Date: March 6, 2001

(s) Mr. ~~James~~ X Thomas

Certificate

(Prisoner Accounts Only)

.45 I certify that the petitioner named herein has the sum of on account to his credit at the State Correctional Institution at Houtzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None known

I further certify that during the last six months the petitioners' average balance was \$ 10.12

(s) Christine Affin - Accounting ass'tant

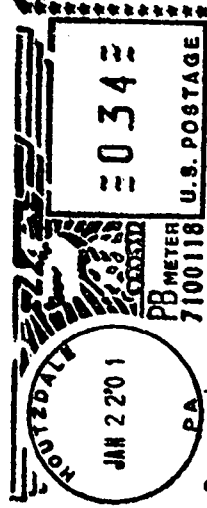
Authorized Officer of Institution

NAME Mr. Curtis X Thomas
NUMBER AF-5268

P.O. BOX 1000

HOUTZDALE PA 16698-1000

PA DEPT OF CORRECTIONS
INMATE MAIL



Mr. William A. Shaw, Clerk of Courts
Office Of Prothonotary And Clerk Of Courts
Court Of Common Pleas Of Clearfield County
P.O. Box 549
Clearfield, Pennsylvania 16830

Inmate Mail

PA Department of Corrections

16698-1000 0343

In The Superior Court Of Pennsylvania
Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas
VS.

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Sup. Ct. No. _____

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to this Court in the above captioned matter and AVERs the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Houtzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the Petition for Writ of Habeas Corpus petitioner filed on December 1, 2000 in the Court of Common Pleas seeking relief from the conditions of his confinement pursuant to Pennsylvania Rules of Criminal Procedure 1701(b) and 42 Pa.C.S. section 6502 (b). The Court of Common Pleas denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the Staff Para-Legal at the prison because he is attempting to challenge the

Authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paging System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Honorable Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal nor file an emergency petition for writ of habeas corpus to the Superior Court of Pennsylvania to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this appeal before the Superior Court of Pennsylvania.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 * AF-5268
Houtzdale, Pa. 16698-1000

In The Court Of Common Pleas Of Clearfield County
Civil Action - LAW

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas
vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

JAN 10 2001
AS TO J.F.P. ONLY
Attest. William L. Shaw
No. 2001-Prothonary
2001-51-CD
Habeas Corpus

Application To Proceed In Forma Pauperis And Order

Petitioner Curtis X Thomas in the above Habeas Corpus
Action hereby respectfully request leave to proceed in forma
pauperis because he declares under penalty of perjury that
he is unable to pay the costs in full of this proceeding.

s/ Curtis X Thomas

Order

And now, this ___ day of _____, 200___, it is
hereby ordered that:

Petitioner Curtis X Thomas be permitted to proceed
in forma pauperis in this Habeas Corpus proceeding.

By The Court:

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

HABEAS Corpus

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa.C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing and litigation of this cause.

2. My responses to the questions below relating to my ability to pay the fees and cost of this litigation are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 whereas I was paid for twenty-two (22) days approximately per monthly pay cycle at a rate of twenty-three (23) cents per hour for eight (8) hour days for a total approximate wage of \$40.48 monthly for three (3) months.

(b) Have you received within the past twelve (12) months any income or money from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a two-hundred dollar (\$200.00) gift from family to purchase a television.

(c) Do you own any cash or checking or savings account?
Yes. I own an unused bank account with a five dollar (\$5.00) balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No

(e) List all your debts and obligations. I owe the United States District Court for filing fees and I owe the State Correctional Institution at Hantzdale for legal mail postage.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Executed on: December 23, 2000

s/ Chris X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the applicant/petitioner named herein has the sum of \$ -2.24 on account to his credit at the State Correctional Institution at Hantzdale where he is confined. I further certify that the applicant/petitioner likewise has the following securities to his credit according to the records of said institution:
None known

I further certify that during the last six (6) months the applicant's average balance was \$ 6.02

s/ Chris Offen - Accounting assistant
Authorized Officer of Institution

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

Habeas Corpus

ORDER

And Now, this _____ day of _____, 200____,
upon consideration of Petitioner's Application for The Appointment
of Counsel and it appearing that Petitioner is entitled to
counsel, It Is Hereby Ordered that the application is Granted.
The Court hereby appoints: _____

to represent Petitioner in the above captioned habeas corpus
matter at a rate to be determined by the Court.

By The Court:

_____, J.

In The Court Of Common Pleas Of Clearfield County
Civil Action - LAW

Commonwealth of Pennsylvania
EX REL. CURTIS X THOMAS
VS.

John M. McCullough, Superintendent
State Correctional Institution at Hutzdale

No. _____
HABEAS CORPUS

Application For The Appointment Of Counsel

Now Comes, Petitioner Curtis X Thomas, by and through himself, who respectfully moves this Honorable Court for the appointment of counsel to represent him in the above-captioned matter, and AVERs the following in support thereof:

1. Petitioner is presently confined at the State Correctional Institution at Hutzdale in H-Unit Restricted Housing Unit.

2. Petitioner is confined the Restricted Housing Unit as a result of the denial of due process in a disciplinary proceeding.

3. Petitioner is unable to obtain counsel to represent him in this matter because he is indigent and unemployed.

4. Petitioner is unable to obtain funds from anyone, including his family and associates by way of compensation for counsel, and represents that the answers to the following questions are true and correct to the best of his personal knowledge, information and belief:

a. Do you have any money? YES. If so, how much? \$.15

b. Do you own an automobile? No

c. Do you own any real estate? No

d. Do you own any other property or do you have any other assets? No

e. Does anyone owe you money? No

f. Where did you work last? S.C.I. Hartzdale School & Library

g. What salary or wages were you receiving? 24 cents per hour, four 8 hours daily, for 5 days a week

h. What is your social security number? 185-44-4484

Wherefore. Petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this habeas corpus matter without fee or cost to Petitioner.

Respectfully submitted,

sl. Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 # AF- 5268

S.C.I. at Hartzdale

Hartzdale, Pa. 16698-1000

Date: December 14, 2000

Verification

I, Curtis X Thomas, hereby verify that the statements made in the foregoing Application For The Appointment Of Counsel ARE true and correct to the best of my personal knowledge, information and belief.

I understand that any false statements ARE made subject to the provisions of 18 Pa.C.S. section 4904, relating to unsworn falsification to authorities.

s/ Mr. Curtis X Thomas

Date: December 14, 2000

Mr. Curtis X Thomas
P.O. Box 1000 #AF-5268
Houtzdale, Pa. 16698-1000

JANUARY 8, 2001

Mr. William A. Shaw, Clerk
Office Of Prothonotary And Clerk Of Courts
Court Of Common Pleas Of Clearfield County
P.O. Box 549
Clearfield, Pennsylvania 16830

RE: Commonwealth Of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent, Habeas Corpus

Dear Mr. Shaw:

I first and foremost request that you read all the enclosed documents beginning with my letter of December 1, 2000 which is now being delivered to you personally. This letter and the original copy of the above captioned Petition For Writ Of Habeas Corpus - which is also now being delivered to you personally - was originally mailed for filing, at a cost of \$.77, on December 1, 2000 to: Office Of The Clerk Of Court, Court Of Common Pleas Of Clearfield County, Clearfield, Pa. 16830. These documents ended up in the hands of Mr. David S. Meholick, Court Administrator who misinformly returned these documents to me thirty (30) days later on January 2, 2001 rather than submit them to you for filing on December 2, 2000 pursuant to Pennsylvania Rules Of Civil Procedure nos. 205.1 and 205.2.

The enclosed documents were reproduced and forwarded to you personally on December 14, 2000 at a cost of \$1.21 and I request that you now read my letter of December 14, 2000. This packet of dockets was returned to me by yourself on December 19, 2000 with a request for filing fees of \$80. On December 28, 2000 I forwarded to you for filing two (2) true and correct copies of the enclosed Petition For Writ Of Habeas Corpus, Application For The Appointment Of Counsel and Application To Proceed In Forma Pauperis at a cost of \$1.65 in postage. The original petition mailed December 1, 2000 and this latest packet were all returned and received by me on January 5, 2001 with the mistaken instructions to file these documents in another venue.

This is a Petition For Writ Of Habeas Corpus which I challenge the conditions of my confinement at the State Correctional Institution at Hantzdale pursuant to 42 Pa. C.S. 6502 (b) and Pennsylvania Rules Of Criminal Procedure rule 1701 (b) which states: "a petition for writ of habeas corpus challenging the conditions of the petitioner's confinement in a criminal matter shall be filed with the clerk of court of the judicial district wherein the petitioner is confined."

These documents which I am once again for the fourth (4th) time submitting to the Court for filing were originally submitted and therefore filed pursuant to the

Mail Box Rule on December 1, 2000. I therefore trust that this Court will hence forth CEASE to deny ME ACCESS to the Courts and docket my petition retroactive to December 1, 2000 pursuant to Pennsylvania Rule of Civil Procedure no. 205.1 Filing Legal Papers, Mailing, and Pennsylvania Rule of Civil Procedure no 205.2 Filing Legal Papers With Prothonotary which states: "No pleading or other legal paper that complies with Pennsylvania Rules of Civil Procedure shall be refused for filing. New Rule 205.2 requires the Prothonotary to accept for filing all pleadings and other legal papers which comply with statewide rules of civil procedure. Once the paper has been filed, the local court may require compliance with other local provisions."

I sincerely trust and pray that the enclosed legal documents will not be returned to me once again but will instead this time be docketed and filed in accordance to state law.

Very truly yours,

Sl. McCune X Thomas

cc: David S. Meholick, Court Administrator
File

Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Houtzdale, PA. 16698-1000

December 1, 2000

Office of The Clerk Of Court
Court Of Common Pleas Of Clearfield County
Clearfield, Pennsylvania 16830

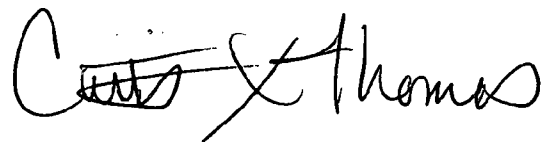
In re: Curtis X Thomas v. John M. McCullough, Habeas, Corpus

Dear Mr. Clerk:

Enclosed please find the original copy of a petition for writ of Habeas Corpus filed this December 1, 2000 by giving same to correctional officers on B-Pod H-Unit Restricted Housing Unit at the State Correctional Institution at Houtzdale for mailing via first class postage paid mailing.

I retain the original carbon-copy. If I am required to submit more copies to the Court please feel free to notify me immediately with my docket number so that I can obtain photocopies of the carbon copy.

Very truly yours,

Curtis X Thomas

Mr. Curtis X Thomas
P.O. Box 1000 #AF-5268
Houtzdale, Pa. 16698-1000

December 14, 2000

Mr. William Shaw, Clerk of Courts
Court of Common Pleas Clearfield County
230 East Market Street
Clearfield, Pa. 16830

In re: Commonwealth of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent, Habeas Corpus

Dear Mr. Shaw:

On December 1, 2000 I mailed the original copy of the above captioned Petition for Writ of Habeas Corpus to the following: Office of The Clerk of Court, Court of Common Pleas of Clearfield County, Courthouse, Clearfield, Pa. 16830. Along with this petition was a letter addressed to: Office of The Clerk of Court which informed you that this petition was filed by delivering same to correctional officers in the Restricted Housing Unit at S.C.I. at Houtzdale for mailing via first class postage paid. I informed you that I retained the original carbon copy and to feel free to notify me immediately with my Docket Number if more copies of this petition were needed to be filed. I do not know if you received this mail because I have not

heard from your Office.

Therefore, I am enclosing two (2) copies of the Petition For Writ Of Habeas Corpus and two (2) copies of an Application For The Appointment Of Counsel with this missive. Upon receipt I would greatly appreciate it if you could inform me of the Docket Number and the name of the Judge this action is assigned to.

Very truly yours,

~~Curtis~~ X Thomas

cc:file

In The Court Of Common Pleas Of Clearfield County
Civil Action- Law

Curtis X Thomas,

vs.

John M. McCullough,

No. _____

Habeas Corpus

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be filed two (2) true and correct copies of the foregoing Petition For Writ Of Habeas Corpus and Application For The Appointment Counsel by giving same to correctional officer Fisher in B-Bod H-Unit Restricted Housing Unit at the State Correctional Institution at Houtzdale to be deposited in the United States Mail; via first-class, postage credited to the following persons addressed as follows:

Mr. William Shaw, Clerk Of Courts
Court Of Common Pleas Of Clearfield County
230 East Market Street
Clearfield, Pa. 16830

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas
P.O. Box 1000 #AF-5268
Houtzdale, Pa. 16698-1000

Date: December 14, 2000

cc: file

Mr. Curtis X Thomas
P.O. Box 1000 #AF-5268
Hantzdale, Pa. 16698-1000

January 20, 2001

Mr. William A. Shaw, Clerk Of Courts
Office Of Prothonotary And Clerk Of Courts
Court Of Common Pleas Of Clearfield County
P.O. Box 549
Clearfield, Pa. 16830

Re: Commonwealth Of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent, Habeas Corpus

Dear Mr. Shaw:

In the above captioned Petition For Writ Of Habeas Corpus that I forwarded to your office for filing on these dates with success: December 1, 2000, December 14, 2000, December 28, 2000 and finally January 8, 2001 - only in getting them to the Court; I would like to inquire if this petition has been filed effective December 1, 2000? If this petition has been filed I would greatly appreciate it if you could inform me of the Docket Number and Judge assigned to this petition at your earliest convenience.

Sincerely,

sl. ~~Curtis~~ X Thomas

cc: David S. Meholick, Court Administrator
File

Mr. Curtis X Thomas
P.O. Box 1000 * AF-5268
Huntzdale, Pa. 16698-1000

Rec-2-22-01

February 20, 2001

Mr. William A. Shaw, Clerk of Courts
Court of Common Pleas of Clearfield County
P.O. Box 549
Clearfield, Pa. 16830

In re: Commonwealth of Pennsylvania ex rel. Curtis X. Thomas vs.
John M. McCullough, Superintendent, No. 2001-51-CD

Dear Mr. Shaw:

The Application To Appeal In Forma Pauperis is not enclosed with the Notice Of Appeal and other documents. Since February 9, 2001 I have tried to have the Accounting Department at the State Correctional Institution at Huntzdale certify them and attach my account statement to them, but the prison has chosen to delay and drag the process out in the hopes that my Notice Of Appeal will be filed late. Therefore the Application To Appeal In Forma Pauperis will be mailed to you on Wednesday, February 21, 2001 and should reach you prior to the 24th along with copies for the Court Administrator, and the Official Court Reporter.

Your help and consideration in this matter would be greatly appreciated.

Very truly yours,

~~Curtis~~ X Thomas

cc:File

Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

February 20, 2001

Mr. William A. Shaw, Clerk Of Courts
Court Of Common Pleas Of Clearfield County
P.O. Box 549
Clearfield, Pa. 16830

In re: Commonwealth Of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent, No. 2001-51-CD

Dear Mr. Shaw:

Enclosed please find the original and one (1) copy of the following documents: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel, Application To Appeal In Forma Pauperis and Proof Of Service for filing upon receipt.

Also enclosed is one (1) copy of the above documents to be served on the Official Court Reporter and one (1) copy of the above documents to be served on Mr. David S. Meholick, Court Administrator, at your earliest convenience.

Your help and consideration in this matter would be greatly appreciated.

Very truly yours,

Curtis X Thomas

cc:File

To: Court Administrator

In The Court Of Common Pleas Of Clearfield County

Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas

- vs -

No. 2001-SI-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, pursuant to Rule 552 of the Pennsylvania Rules Of Appellate Procedure makes this application to the Court Of Common Pleas Of Clearfield County to proceed In Forma Pauperis on this appeal to the Superior Court Of Pennsylvania.

s/ Mr. ~~Curtis~~ X Thomas
Mr. Curtis X Thomas
P.O. Box 1000 * AF-5268
Houtzdale, PA. 16698-1000

In The Court Of Common Pleas Of Clearfield County

Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas
-05-

No. 2001-SI-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa. C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal to the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last dated of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? YES. I received a gift of \$200.00 for the purchase of television.

(c) Do you own any cash or checking or savings account? YES. I own an unused bank account with a \$5.00 balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? YES. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Date: February 10, 2001

(s) Mr. Curtis X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of \$ 7.32 on account to his credit at the State Correctional Institution at Hutzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None known

I further certify that during the last six months the petitioners' average balance was \$ 11.82

(s) Christine Ogden - Accounting Assistant
Authorized Officer of Institution

To: Official Court Reporter

✓

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas
-vs-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, pursuant to Rule 552 of the Pennsylvania Rules Of Appellate Procedure makes this application to the Court Of Common Pleas Of Clearfield County to proceed In Forma Pauperis on this appeal to the Superior Court Of Pennsylvania.

S/ Mr. Curtis X Thomas
Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Houtzdale, PA, 16698-1000

In The Court Of Common Pleas Of Clearfield County

Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

-05-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa. C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal to the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a gift of \$200⁰⁰ for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes. I own an unused bank account with a \$5⁰⁰ balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? Yes. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Date: February 10, 2001

(s) W. Curtis Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of \$ 7.32 on account to his credit at the State Correctional Institution at Hutzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None known

I further certify that during the last six months the petitioners' average balance was \$ 11.82

(s) Christine Agem - Accounting Assistant
Authorized Officer of Institution

Mr. Curtis X Thomas
P.O. Box 1000 *AF-5268
Houtzdale, Pa. 16698-1000

March 5, 2001

Mr. William A. Shaw, Clerk Of Courts
Court Of Common Pleas Of Clearfield County
P.O. Box 549
Clearfield, Pa. 16830

In re: Commonwealth of Pennsylvania ex rel. Curtis X Thomas vs.
John M. McCullough, Superintendent, No. 2001-51-CD

Dear Mr. Shaw:

Today I received your correspondence of March 2, 2001 which contained the names of the Court Reporters and the Court Administrator's copy of the Application to Appeal In Forma Pauperis. This application does not have a six (6) month accounting statement attached to the back of it because the prison refuses to produce more than one (1) statement. That one print-out was attached to the original application I forwarded to yourself. I am returning the Court Administrator's copy of the application.

I am also enclosing an Amended Proof Of Service containing the information you forwarded to me. I assume they will be submitted to the Superior Court along with the new proof of services prepared March 3, 2001.

Very truly yours,

Curtis X Thomas

cc: file

Mr. Curtis X. Thomas
P.O. Box 1000 *AF-5268
Houtzdale, Pa. 16698-1000

March 3, 2001

Mr. William A. Shaw, Clerk of Courts
P.O. Box 549
Clearfield, Pa. 16830

In re: Commonwealth of Pennsylvania ex rel. Curtis X. Thomas vs.
John M. McCullough, Superintendent, No. 2001-51-CD

Dear Mr. Shaw:

In compliance with the February 23, 2001 notice from the Superior Court Deputy Prothonotary, Ms. Eleanor R. Valecko, I am enclosing an original and copy of a new Proof of Service to be forwarded to the Superior Court for docketing.

The Librarian at the State Correctional Institution at Houtzdale informed me of the name of the Chief Counsel and that you were also the Court Reporter. To be on the safe side I placed your name and John Doe as the Court Reporter. I trust that this meets the requirements of Ms. Valecko.

Very truly yours,

Curtis X. Thomas

cc: file

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, February 20, 2001, I caused to be served the following: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and The President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Mr. John Doe and/or Mr. William A. Shaw, Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Ms. Sarah Vanderbrack, Chief Counsel, Office Of The Chief Counsel, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondants Attorney) (1 copy)

sl. Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 "AF-5268

Houtzdale, Pa. 16698-1000

New Proof Of Service Prepared: March 3, 2001

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, February 20, 2001, I caused to be served the following: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and The President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Mr. John Doe and/or Mr. William A. Shaw, Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Ms. Sarah Yanderbaak, Chief Counsel, Office Of The Chief Counsel, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondants Attorney) (1 copy)

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 "AF-5268

Houtzdale, Pa. 16698-1000

NEW Proof Of Service Prepared: March 3, 2001

Amended Proof of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Mr. Thomas Snyder and/or Ms. Cathy Provost % Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Ms. Sarah Vanderbraak, Chief Counsel, Office Of The Chief Counsel, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondant's Attorney) (1 copy)

DATE: February 20, 2001

sl. Mr. ~~Curtis~~ X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 *AF-5268
Houtzdale, Pa. 16698-1000

Amended Proof Of Service Prepared: March 5, 2001

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas
-US-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, pursuant to Rule 552 of the Pennsylvania Rules Of Appellate Procedure makes this application to the Court Of Common Pleas Of Clearfield County to proceed In Forma Pauperis on this appeal to the Superior Court Of Pennsylvania.

SL Mr. Curtis X Thomas
Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Houtzdale, PA. 16698-1000

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 26 2001

Attest.

Prothonotary

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

-US-

John M. McCullough, Superintendent
State Correctional Institution at Hutzdale

No. 2001-51-CD

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa. C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal to the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a gift of \$200.00 for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes. I own an unused bank account with a \$5.00 balance.

(d) Do you own ANY real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? Yes. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Date: February 10, 2001

(s) Mr. ~~Curtis~~ Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of \$ 7.32 on account to his credit at the State Correctional Institution at Hutzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None Known

I further certify that during the last six months the petitioners' average balance was \$ 11.82

(s) Christine Afton - Accounting Assistant
Authorized Officer of Institution

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Commonwealth Court of
Pennsylvania
Office of the Prothonotary
P.O. BOX 11730
HARRISBURG, PA 17130
01-51-CD

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

JUN 26 2001

B. Date of Delivery

C. Signature

X

Agent

Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0023 6399 4043

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

UNITED STATES POSTAL SERVICE

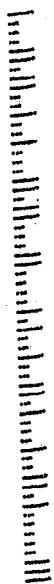


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

MR. WILLIAM A. SHAW
OFFICE OF THE PROTHONOTARY
P.O. BOX 549
CLEARFIELD, PA 16830

01-51-CD



01-51-CD

FILED

JUN 28 2001

11:03 am

William A. Shaw

Prothonotary

RED



Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

October 16, 2001

P.O. Box 11730
Harrisburg, PA 17108
717-255-1650

TO:

RE: Comwlth. Ex Rel v. McCullough
No.824 CD 2001

Trial Court/Agency Dkt. Number: 2001-51-CD

Trial Court/Agency Name: ~~Clearfield County Court of Common Pleas~~

Intermediate Appellate Court Number:

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572
is the entire record for the above matter.

Contents of Original Record:

Original Record Item	Filed Date	Description
original record	June 26, 2001	1
Date of Remand of Record:	October 16, 2001	

Enclosed is an additional copy of the certificate. Please acknowledge receipt by signing, dating, and returning the enclosed copy to the Prothonotary Office or the Chief Clerk's office.

Commonwealth Court Filing Office

Signature

10-17-01

Date

William A. Shaw

Printed Name

FILED

OCT 17 2001
m/1:40pm.

William A. Shaw
Prothonotary

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :
Ex Rel Curtis X. Thomas, :
Appellant :

v. :
John M. McCullough, Superintendent :
State Correctional Institution at :
Houtzdale :

No. 824 C.D. 2001

PER CURIAM

O R D E R

NOW, August 22, 2001, upon consideration of appellant's pro se "praecipe for discontinuance", the Chief Clerk is directed to mark the above-captioned matter as discontinued.

Appellant's request for return of filing fee is denied.

Certified from the Record
AUG 23 2001
and Order Exit

FILED

OCT 17 2001

W/1:35/4AT
William A. Shaw
Prothonotary

[Signature]

Commonwealth Court of Pennsylvania

Best

April 26, 2001

RE: Comwlth. Ex Rel v. McCullough
No.: 824 CD 2001
Agency Docket Number: 2001-51-CD
Filed Date: February 22, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

Attorney Name	Party Name	Party Type
Sarah Baseden Hart, Esq.	John M. McCullough	Appellee
Curtis X. Thomas	Curtis X. Thomas	Appellant

2001 JUN 26 A 3:59

RECEIVED
COMMONWEALTH COURT OF PENNSYLVANIA
JUN 26 2001

FILED

APR 30 2001
M/4:00/WR
William A. Shaw
Prothonotary

EW

#10

Address all written communications to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
P.O. Box 11730
Harrisburg, PA 17108
(717) 255-1650

Filings may be made in person at the following address (except on Saturdays, Sundays and holidays observed by Pennsylvania Courts) between 9:00 a.m. and 4:00 p.m.

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Room 624
Sixth Floor
South Office Building
Harrisburg, PA 17120
(717) 255-1650

Pleadings and similar papers (but not paperbooks or certified records) may also be filed in person only at:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Filing Office
Suite 990
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 560-5742

The hours of the Philadelphia Filing Office are 9:00 a.m. to 4:00 p.m.

Under Pa.R.A.P. 3702, writs or other process issuing out of the Commonwealth Court shall exit only from the Harrisburg Office.

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

24CB02

No. 2001-SI-.CD
Habeas Corpus

Notice of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ of Habeas Corpus Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry

sl. Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, PA. 16698-1000

FILED

FEB 22 2001
M / 12:05 / W
William A. Shaw
Prothonotary

CONF NOTICE TO Superior Court.
CONF COPY TO Clerk + Court Reporter

hereby
and
certified to be true.

MAR 20 2001

Attest
William A. Shaw
Prothonotary

2

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

01-51-CD

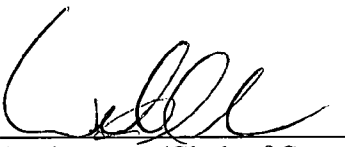
**CURTIS X. THOMAS
VS.
JOHN M. MCCULLOUGH**

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1 to No. 12**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is

JUNE 22, 2009



Prothonotary/Clerk of Courts

(seal)

Date: 06/22/2001

Time: 12:35 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2001-00051-CD

Current judge: John K. Reilly Jr.

User: JKENDRICK

Date		Judge
Curtis X. Thomas vs. John M. McCullough		
01/10/2001	New Case Filed.	No Judge
	Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash)	No Judge
01/25/2001	Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed.	John K. Reilly Jr.
02/22/2001	Notice of Appeal, Filed by s/Curtis X. Thomas Motion for Docket Entries Filed by s/Curtis X. Thomas Motion for Transcripts. Filed by s/Curtis X. Thomas Application For the Appointment of Appellate Counsel filed by s/Curtis X. Thomas Proof of Service. Filed by s/Curtis X. Thomas	John K. Reilly Jr.
02/26/2001	Application to Appeal In Forma Pauperis, filed by Defendant	John K. Reilly Jr.
	Notice of Appeal Returned from Superior Court for the following reasons, filed.	John K. Reilly Jr.
02/27/2001	ORDER, NOW, this 27th day of Feb. 2001, Defendant's Application to Appeal In Forma Pauperis, be and is hereby DISMISSED. By the Court, s/JKR, JR., PJ 1 cc Defendant McCullough, Plaintiff Curtis Thomas	John K. Reilly Jr.
03/14/2001	Amended Proof of Service, filed by Defendant Cert. copy to Superior Court	John K. Reilly Jr.
03/20/2001	Mailed copy of Notice of Appeal with Amended Proof of Service to Superior, as requested from Superior Court.	No Judge
03/23/2001	Notice of Appeal Returned from Superior Court. Filed.	John K. Reilly Jr.
04/30/2001	ORDER, filed. Cert. to C. Thomas, Atty. Hart c/o John McClough NOW, this 30th day of April, 2001, RE: Defendant to file concise statement of the matters complained of on Appeal. Notice of Docketing Appeal from Commonwealth Court of Pennsylvania, filed. #824 CD 2001	John K. Reilly Jr. John K. Reilly Jr.
05/24/2001	Statement of Matters Complained of on Appeal, filed by Deft. No Cert. Copies.	John K. Reilly Jr.
06/22/2001	OPINION, filed. Cert. to Atty. Hart & Deft.	John K. Reilly Jr.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 21 2001

Attest.


Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
CASE # 01-51-CD
CURTIS X. THOMAS
VS.**

JOHN M. MCCULLOUGH

ITEM NO.	DATE of FILING	NAME of DOCUMENT	NO of PAGES
01	01-10-01	APPLICATION TO PROCEED IN FORMA PAUPERIS	10
02	01-25-01	ORDER	01
03	02-22-01	NOTICE OF APPEAL	07
04	02-26-01	APPLICATION TO APPEAL IN FORMA PAUPERIS	10
05	02-26-01	NOTICE OF APPEAL RETURNED FROM SUPERIOR COURT	08
06	02-27-01	ORDER	01
07	03-14-01	AMENDED PROOF OF SERVICE	02
08	03-23-01	NOTICE OF APPEAL RETURNED FROM SUPERIOR COURT	10
09	04-30-01	ORDER	01
10	04-30-01	NOTICE OF DOCKETING APPEAL FROM COMMONWEALTH COURT OF PA	03
11	05-24-01	STATEMENT OF MATTERS COMPLAINED OF ON APPEAL	03
12	06/22/01	OPINION	07

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

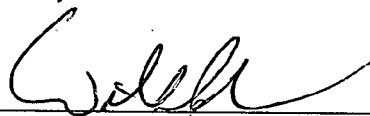
I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

CURTIS X. THOMAS
VS

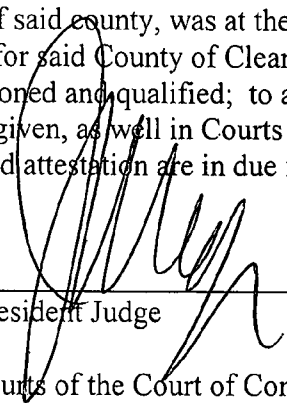
JOHN M. MCCULLOUGH

So full and entire as the same remains of record before the said Court, at **No. 01-51-CD**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 25th Day of MAY, 2001.

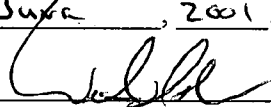

Prothonotary/Clerk of Courts

I, **John K. Reilly, Jr.**, President Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw**, by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by proper officer.


President Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **John K. Reilly, Jr.**, President Judge by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is President Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have
hereunto set my hand and affixed
the seal of said Court, this 22 day
of June, 2001.


Prothonotary/Clerk of Courts

In The Court of Common Pleas of ~~Charfield~~ ^{Charlfield} County
Civil Action - LAW

FILED

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

JAN 10 2001
m/11:00/MS EFP
William A. Shaw
Prothonotary cert. to RFP

No. 2001-51-CD

HABEAS Corpus

Application To Proceed In Forma Pauperis And Order

Petitioner Curtis X Thomas in the above Habeas Corpus action hereby respectfully request leave to proceed in forma pauperis because he declares under penalty of perjury that he is unable to pay the costs in full of this proceeding.

s/ ~~Curtis X Thomas~~

Order

And now, this day of , 200 , it is hereby ordered that:

Petitioner Curtis X Thomas be permitted to proceed in forma pauperis in this Habeas Corpus proceeding.

By The Court:

#1

In The Court of Common Pleas Of ~~De~~arfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-00

Habeas Corpus

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by 18 Pa.C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing and litigation of this cause.

2. My responses to the questions below relating to my ability to pay the fees and cost of this litigation are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 whereas I was paid for twenty-two (22) days approximately per monthly pay cycle at a rate of twenty-three (23) cents per hour for eight (8) hour days for a total approximate wage of \$40.48 monthly for three (3) months.

(b) Have you received within the past twelve (12) months any income or money from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes. I received a two-hundred dollar (\$200⁰⁰) gift from family to purchase a television.

(c) Do you own any cash or checking or savings account?
YES. I own an unused bank account with a five dollar (\$5.00) balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No

(e) List all your debts and obligations. I owe the United States District Court for filing fees and I own the State Correctional Institution at Hutzdale for legal mail postage.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Executed on: December 23, 2000

s/ Charles X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the applicant/petitioner named herein has the sum of \$ -2.24 on account to his credit at the State Correctional Institution at Hutzdale where he is confined. I further certify that the applicant/petitioner likewise has the following securities to his credit according to the records of said institution:
None known

I further certify that during the last six (6) months the applicant's average balance was \$ 6.03

s/ Christine Ojtm. Accounting Assistant
Authorized Officer of Institution

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 12/27/2000
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AF5268	THOMAS	CURTIS		-9.31

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
4151	10-06-1999	10 MAINTENANCE PAYROLL GROUP 1 9-1-99 TO 9-30-99	15.84	6.53
8284	10-11-1999	32 CAM COMMISSARY FOR 10/11/1999	-3.89	2.64
8291	10-18-1999	32 CAM COMMISSARY FOR 10/18/1999	-2.60	.04
4286	10-22-1999	37 POSTAGE 10/22/99	-1.43	-1.39
4286	10-22-1999	37 POSTAGE 10/22/99	-3.20	-4.59
4337	11-01-1999	37 POSTAGE 11/1/99	-.77	-5.36
4378	11-03-1999	10 MAINTENANCE PAYROLL GROUP 1 10-1-99 TO 10-31-99	15.12	9.76
8307	11-03-1999	32 CAM COMMISSARY FOR 11/03/1999	-9.64	.12
4446	11-12-1999	37 POSTAGE 11/12/99	-1.43	-1.31
4446	11-12-1999	37 POSTAGE 11/12/99	-3.20	-4.51
4446	11-12-1999	37 POSTAGE 11/12/99	-2.75	-7.26
4446	11-12-1999	37 POSTAGE 11/12/99	-2.53	-9.79
4581	12-03-1999	10 MAINTENANCE PAYROLL GROUP 1 11-1-99 TO 11-30-99	11.52	1.73
8341	12-07-1999	32 CAM COMMISSARY FOR 12/07/1999	-1.45	.28
4659	12-14-1999	10 MAINTENANCE PAYROLL GROUP 2 11-7-99 TO 12-6-99	6.84	7.12
8351	12-17-1999	32 CAM COMMISSARY, FOR 12/17/1999	-6.47	.65
8365	12-31-1999	32 CAM COMMISSARY FOR 12/31/1999	-.50	.15
BALANCE AFTER THESE TRANSACTIONS----->				.15

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 12/27/2000
PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
.15

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
4807	01-05-2000 10	MAINTENANCE PAYROLL		
		GROUP 1 12-1-99 TO 12-31-99	26.22	26.37
4841	01-07-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-5.24	21.13
8010	01-10-2000 32	CAM COMMISSARY		
		FOR 1/10/2000	-9.92	11.21
8012	01-12-2000 32	CAM COMMISSARY		
		FOR 1/13/2000	-2.57	8.64
8024	01-24-2000 32	CAM COMMISSARY		
		FOR 1/24/2000	-8.24	.40
5037	02-07-2000 10	MAINTENANCE PAYROLL		
		GROUP 1 1-1-200 TO 1-31-2000	23.94	24.34
5001	02-07-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-4.79	19.55
8045	02-14-2000 32	CAM COMMISSARY		
		FOR 2/14/2000	-6.90	12.65
8052	02-21-2000 32	CAM COMMISSARY		
		FOR 2/21/2000	-.57	12.08
5158	02-23-2000 37	POSTAGE		
		2/23/00	-3.20	8.88
5158	02-23-2000 37	POSTAGE		
		2/23/00	-3.20	5.68
5158	02-23-2000 37	POSTAGE		
		2/23/00	-1.87	3.81
5158	02-23-2000 37	POSTAGE		
		2/23/00	-1.87	1.94
5167	02-24-2000 10	MAINTENANCE PAYROLL		
		VAN GROUP 1 2-22-2000	15.96	17.90
5001	02-22-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-3.19	14.71
0	02-24-2000 82	TRANSFER OUT ,		
		CAMP HILL		
0	02-24-2000 81	TRANSFER IN		
		HOUTZDALE		
0	02-25-2000 82	TRANSFER OUT		
		HOUTZDALE		
0	02-25-2000 81	TRANSFER IN		
		CAMP HILL		
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-6.00	8.71
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-6.40	2.31
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-7.31	-5.00

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 12/27/2000
PAGE 2

INMATE NAME
NUMBER LAST FIRST MI
AF5268 THOMAS CURTIS

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-7.06	-12.06
0	02-25-2000 92	TRANSFER OUT		
		CAMP HILL		
0	02-25-2000 91	TRANSFER IN		
		HOUTZDALE		
0	02-29-2000 92	TRANSFER OUT		
		HOUTZDALE		
0	02-29-2000 91	TRANSFER IN		
		CAMP HILL		
5204	02-29-2000 37	POSTAGE		
		2/29/00	-.22	-12.28
5204	02-29-2000 37	POSTAGE		
		2/29/00	-.44	-12.72
5204	02-29-2000 37	POSTAGE		
		2/29/00	-4.30	-17.02
5204	02-29-2000 37	POSTAGE		
		2/29/00	-2.09	-19.11
0	02-29-2000 92	TRANSFER OUT		
		CAMP HILL		
0	02-29-2000 91	TRANSFER IN		
		HOUTZDALE		
5806	03-03-2000 37	POSTAGE		
		POSTAGE MARCH 3, 2000	-3.20	-22.31
5841	03-08-2000 41	MEDICAL		
		MEDICAL COPAY 3/2-7/00	-2.00	-24.31
6065	03-24-2000 37	POSTAGE		
		POSTAGE MARCH 24, 2000	-.22	-24.53
6065	03-24-2000 37	POSTAGE		
		POSTAGE MARCH 24, 2000	-.22	-24.75
6065	03-24-2000 86	ADJUST PAYMENT		
	37	ENTERED WRONG BATCH #	.22	-24.53
6065	03-24-2000 86	ADJUST PAYMENT		
	37	ENTERED WRONG BATCH NUMBER	.22	-24.31
6066	03-24-2000 37	POSTAGE		
		POSTAGE MARCH 24, 2000	-.22	-24.53
6066	03-24-2000 37	POSTAGE		
		POSTAGE MARCH 24, 2000	-.22	-24.75
6081	03-27-2000 37	POSTAGE		
		POSTAGE MARCH 27, 2000	-.22	-24.97
BALANCE AFTER THESE TRANSACTIONS----->				-24.97

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
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PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
-24.97

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6311	04-14-2000 10	MAINTENANCE PAYROLL PAY GR. #1 3/1 - 3/31/00	21.66	-3.31
6574	05-05-2000 13	PERSONAL GIFT FROM KATHERINE COOPER 572286	200.00	196.69
8131	05-10-2000 32	HOU COMMISSARY FOR 5/10/2000	-196.35	.34
6671	05-11-2000 10	MAINTENANCE PAYROLL PAY GR. #1 4/1-4/30/00	22.80	23.14
6708	05-15-2000 39	LEGAL FEES CA#97-7156 20% OF \$200.00	-40.00	-16.86
6708	05-15-2000 39	LEGAL FEES CA#97-7156 20% OF \$22.80	-4.56	-21.42
6930	06-05-2000 41	MEDICAL MEDICAL COPAY 6/1-4/00	-2.00	-23.42
6961	06-07-2000 41	MEDICAL MEDICAL COPAY 6/3-6/00	-2.00	-25.42
6991	06-08-2000 10	MAINTENANCE PAYROLL PAY GROUP #1 5/1-5/31/00	25.80	.38
BALANCE AFTER THESE TRANSACTIONS----->				.38

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 12/27/2000
PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
.38

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7382	07-13-2000	10 MAINTENANCE PAYROLL PAY GR. #1 6/1 - 6/30/00	21.60	21.98
7405	07-14-2000	39 LEGAL FEES CA#97-7156 20% OF \$25.80	-5.16	16.82
7405	07-14-2000	39 LEGAL FEES CA#97-7156 20% OF \$21.60	-4.32	12.50
7431	07-18-2000	35 DENTAL/GLASSES NEW FRAMES 7/7/00	-4.50	8.00
8208	07-26-2000	32 HOU COMMISSARY FOR 7/26/2000	-7.84	.16
7559	07-28-2000	10 MAINTENANCE PAYROLL PAY GR. #2 6/15 - 7/14/00	9.00	9.16
8215	08-02-2000	32 HOU COMMISSARY FOR 8/02/2000	-5.38	3.78
8222	08-09-2000	32 HOU COMMISSARY FOR 8/09/2000	-3.54	.24
7894	08-24-2000	10 MAINTENANCE PAYROLL PAY GR. #2 7/15 - 8/14/00	36.36	36.60
8243	08-30-2000	32 HOU COMMISSARY FOR 8/30/2000	-36.10	.50
27	09-06-2000	41 MEDICAL MEDICAL CO-PAY 9/1-9/5/00	-2.00	-1.50
70	09-11-2000	39 LEGAL FEES CA#97-7156 20% OF \$9.00	-1.80	-3.30
70	09-11-2000	39 LEGAL FEES CA#97-7156 20% OF \$36.36	-7.27	-10.57
217	09-21-2000	10 MAINTENANCE PAYROLL PAY GR. #2 8/15 - 9/14/00	28.52	17.95
BALANCE AFTER THESE TRANSACTIONS----->				17.95

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:36

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM ACTIVE FILE

RUN IAS365
DATE 12/27/2000
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AF5268	THOMAS	CURTIS		17.95

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8277	10-03-2000	32 HOU COMMISSARY FOR 10/03/2000	-4.92	13.03
420	10-11-2000	31 OUTSIDE PURCHASES UNITED ST DIST CT (FILING FEE)	-5.00	8.03
8291	10-17-2000	32 HOU COMMISSARY FOR 10/17/2000	-2.11	5.92
527	10-18-2000	39 LEGAL FEES CA#97-7156 20% OF \$28.52	-5.70	.22
541	10-19-2000	14 MISCELLANEOUS ADD BK MICHAEL KUNZ CLK 325090	5.00	5.22
632	10-27-2000	10 MAINTENANCE PAYROLL PAY GR. #2 9/15 - 10/14/00	7.08	12.30
738	11-06-2000	31 OUTSIDE PURCHASES CLERK OF US DIST CT (FEES)	-5.00	7.30
829	11-15-2000	39 LEGAL FEES CA#97-7156 20% OF \$7.08	-1.42	5.88
1017	12-04-2000	37 POSTAGE POSTAGE DEC 4, 2000	-.77	5.11
1017	12-04-2000	37 POSTAGE POSTAGE DEC 4, 2000	-.77	4.34
8340	12-05-2000	32 HOU COMMISSARY FOR 12/05/2000	-.89	3.45
1104	12-11-2000	41 MEDICAL MEDICAL COPAY 12/7-10/00	-2.00	1.45
8347	12-12-2000	32 HOU COMMISSARY FOR 12/12/2000	-1.27	.18
1153	12-14-2000	37 POSTAGE POSTAGE DEC 14, 2000	-.99	-.81
1190	12-18-2000	37 POSTAGE POSTAGE DEC 18, 2000	-.22	-1.03
1190	12-18-2000	37 POSTAGE POSTAGE DEC 18, 2000	-1.21	-2.24
BALANCE AFTER THESE TRANSACTIONS----->				-2.24

Proof of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be re-filed two true and correct copies of the foregoing Petition For Writ of Habeas Corpus, Application For The Appointment of Counsel and Application To Proceed In Forma Pauperis And Order by giving same to correctional officers in B-Pod of H-Unit Restricted Housing Unit at the State Correctional Institution at Houtzdale to be deposited in the United States Mail, via first-class, postage credited to the following person(s):

Mr. William A. Shaw, Prothonotary
Office of Prothonotary And Clerk of Courts
Court Of Common Pleas Of Clearfield County
230 East Market Street
P.O. Box 549
Clearfield, PA. 16830

Respectfully submitted.

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 #AF-5268
Houtzdale, Pa. 16698-1000

Date: December 28, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

COMMONWEALTH OF PENNSYLVANIA:
ex rel. CURTIS X. THOMAS

-vs-

No. 2001 - 51 - CD

JOHN M. McCULLOUGH,
SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT
HOUTZDALE

ORDER

NOW, this 24th day of January, 2001, upon consideration of Plaintiff's above-named Petition for Writ of Habeas Corpus for permission to proceed in forma pauperis and for appointment of counsel, his Petition for Writ of Habeas Corpus being clearly something not authorized to be heard under such proceedings, it is the ORDER of this Court that said Petition be and is hereby dismissed.

By the Court,

President Judge

FILED

JAN 25 2001

o/g:cc/war
William A. Shaw
Prothonotary

1 CERT TO PLAINTIFF
1 CERT TO DEPT.

#2

In The Court of Common Pleas of Clearfield County

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD
Habeas Corpus

Notice of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ of Habeas Corpus, Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

FILED

FEB 22 2001

M / 12:05 / W

William A. Shaw
Prothonotary

et
al

SENT NOTICE TO SUPERIOR COURT.

SENT COPY TO C/A + COURT REPORTER

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, PA. 16698-1000

#3

In The Court Of Common Pleas Of Garfield County

Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-SI-CD

Motion For Docket Entries

A notice of appeal having been filed in this matter, the Clerk Of Court is hereby ordered to produce and attach to the notice of appeal a copy of the docket entry of the Order appealed from in conformity with Rule 904 of the Pennsylvania Rules Of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 AF-5268
Houtzdale, Pa. 16698-1000

In The Court of Common Pleas of Clearfield County

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

- vs -

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Motion For Transcripts

A notice of appeal having been filed in this matter, the Official Court Reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

In The Court of Common Pleas of Clearfield County
Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

-05-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to the Superior Court of Pennsylvania in the above captioned matter and avers the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Houtzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the petition for writ of habeas corpus petitioner filed on December 1, 2000 seeking court ordered relief from the conditions of his confinement pursuant to Pennsylvania Rules of Criminal Procedure Rule 1701(b) and 42 Pa. C.S. section 6502(b). This Honorable Court denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus challenging the conditions of one's confinement pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the staff

Para-Legal at the prison because he is attempting to challenge the authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paging System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance in this litigation.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal to the Superior Court Of Pennsylvania nor file an emergency petition for writ of habeas corpus to the appellate courts to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this appeal to the Superior Court Of Pennsylvania.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro SE

P.O. Box 1000 # AF-5268

Houtzdale, PA. 16698-1000

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Office Of The Chief Counsel, Pa. Department Of Corrections, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondant's Attorney) (1 copy)

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

DATE: FEBRUARY 20, 2001

Date: 02/22/2001

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 12:08 PM

ROA Report

Page 1 of 1

Case: 2001-00051-CD

Current judge: John K. Reilly Jr.

Date		Judge
Curtis X. Thomas vs. John M. McCullough		
01/10/2001	New Case Filed.	No Judge
	Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash)	No Judge
01/25/2001	Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed.	John K. Reilly Jr.

In The Court Of Common Pleas Of Clearfield County

Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

-vs-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD.

Application To Appeal In Forma Pauperis

Petitioner, Curtis X Thomas, pursuant to Rule 552 of the Pennsylvania Rules Of Appellate Procedure makes this application to the Court Of Common Pleas Of Clearfield County to proceed In Forma Pauperis on this appeal to the Superior Court Of Pennsylvania.

s/ Mr. Curtis X Thomas

Mr. Curtis X Thomas
P.O. Box 1000 # AF-5268
Houtzdale, PA. 16698-1000

FILED

FEB 26 2001

m/11:10/11/01
William A. Shaw
Prothonotary

1 CENT TO DEPT

EWS *#7*

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

- 05 -

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

In Forma Pauperis Verified Statement

Curtis X Thomas states under the penalties provided by
18 Pa. C.S. section 4904 that:

1. I am the petitioner in the above action and because of my financial condition I am unable to pay the fees and costs relative to the filing of this appeal to the Superior Court.

2. My responses to the questions below relating to my ability to pay the fees and costs of prosecuting an appeal are true.

(a) Are you presently employed? No. My last date of employment was September 22, 2000 in which I earned monthly \$24.69.

(b) Have you received within the past twelve months any money or income from a business, profession or other form of self-employment, or in the form of rent payments, interests, dividends, pensions, annuities, social security benefits, gifts or other source? Yes, I received a gift of \$200⁰⁰ for the purchase of a television.

(c) Do you own any cash or checking or savings account? Yes, I own an unused bank account with a \$5⁰⁰ balance.

(d) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No.

(e) Do you have debts and obligations? Yes. I owe the United States District Court for filing fees.

3. I understand that a false statement or answer to any question in this verified statement will subject me to the penalties provided by law.

Date: February 10, 2001

(s) Mr. Curtis X Thomas

Certificate
(Prisoner Accounts Only)

I certify that the petitioner named herein has the sum of \$ 7.32 on account to his credit at the State Correctional Institution at Hutzdale where he is confined. I further certify that the petitioner likewise has the following securities to his credit according to the records of said institution: None Known

I further certify that during the last six months the petitioners' average balance was \$ 11.82

(s) Christine Opton - Accounting Assistant
Authorized Officer of Institution

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
.15

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
4807	01-05-2000 10	MAINTENANCE PAYROLL		
		GROUP 1 12-1-99 TO 12-31-99	26.22	26.37
4841	01-07-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-5.24	21.13
8010	01-10-2000 32	CAM COMMISSARY		
		FOR 1/10/2000	-9.92	11.21
8012	01-12-2000 32	CAM COMMISSARY		
		FOR 1/13/2000	-2.57	8.64
8024	01-24-2000 32	CAM COMMISSARY		
		FOR 1/24/2000	-8.24	.40
5037	02-07-2000 10	MAINTENANCE PAYROLL		
		GROUP 1 1-1-200 TO 1-31-2000	23.94	24.34
5001	02-07-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-4.79	19.55
8045	02-14-2000 32	CAM COMMISSARY		
		FOR 2/14/2000	-6.90	12.65
8052	02-21-2000 32	CAM COMMISSARY		
		FOR 2/21/2000	-.57	12.08
5158	02-23-2000 37	POSTAGE		
		2/23/00	-3.20	8.88
5158	02-23-2000 37	POSTAGE		
		2/23/00	-3.20	5.68
5158	02-23-2000 37	POSTAGE		
		2/23/00	-1.87	3.81
5158	02-23-2000 37	POSTAGE		
		2/23/00	-1.87	1.94
5167	02-24-2000 10	MAINTENANCE PAYROLL		
		VAN GROUP 1 2-22-2000	15.96	17.90
5001	02-22-2000 39	LEGAL FEES		
		TOWARDS 97-7156	-3.19	14.71
0	02-24-2000 82	TRANSFER OUT		
		CAMP HILL		
0	02-24-2000 81	TRANSFER IN		
		HOUTZDALE		
0	02-25-2000 82	TRANSFER OUT		
		HOUTZDALE		
0	02-25-2000 81	TRANSFER IN		
		CAMP HILL		
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-6.00	8.71
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-6.40	2.31
5170	02-25-2000 37	POSTAGE		
		UPS 2/24/00	-7.31	-5.00

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 2

INMATE NUMBER	NAME LAST	FIRST	MI
AF5268	THOMAS	CURTIS	

BATCH #	DATE MO DY YEAR		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
5170	02-25-2000	37	POSTAGE		
			UPS 2/24/00	-7.06	-12.06
0	02-25-2000	92	TRANSFER OUT		
			CAMP HILL		
0	02-25-2000	91	TRANSFER IN		
			HOUTZDALE		
0	02-29-2000	92	TRANSFER OUT		
			HOUTZDALE		
0	02-29-2000	91	TRANSFER IN		
			CAMP HILL		
5204	02-29-2000	37	POSTAGE		
			2/29/00	-.22	-12.28
5204	02-29-2000	37	POSTAGE		
			2/29/00	-.44	-12.72
5204	02-29-2000	37	POSTAGE		
			2/29/00	-4.30	-17.02
5204	02-29-2000	37	POSTAGE		
			2/29/00	-2.09	-19.11
0	02-29-2000	92	TRANSFER OUT		
			CAMP HILL		
0	02-29-2000	91	TRANSFER IN		
			HOUTZDALE		
5806	03-03-2000	37	POSTAGE		
			POSTAGE MARCH 3, 2000	-3.20	-22.31
5841	03-08-2000	41	MEDICAL		
			MEDICAL COPAY 3/2-7/00	-2.00	-24.31
6065	03-24-2000	37	POSTAGE		
			POSTAGE MARCH 24, 2000	-.22	-24.53
6065	03-24-2000	37	POSTAGE		
			POSTAGE MARCH 24, 2000	-.22	-24.75
6065	03-24-2000	86	ADJUST PAYMENT		
		37	ENTERED WRONG BATCH #	.22	-24.53
6065	03-24-2000	86	ADJUST PAYMENT		
		37	ENTERED WRONG BATCH NUMBER	.22	-24.31
6066	03-24-2000	37	POSTAGE		
			POSTAGE MARCH 24, 2000	-.22	-24.53
6066	03-24-2000	37	POSTAGE		
			POSTAGE MARCH 24, 2000	-.22	-24.75
6081	03-27-2000	37	POSTAGE		
			POSTAGE MARCH 27, 2000	-.22	-24.97
BALANCE AFTER THESE TRANSACTIONS----->					-24.97

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
-24.97

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6311	04-14-2000	10 MAINTENANCE PAYROLL PAY GR. #1 3/1 - 3/31/00	21.66	-3.31
6574	05-05-2000	13 PERSONAL GIFT FROM KATHERINE COOPER 572286	200.00	196.69
8131	05-10-2000	32 HOU COMMISSARY FOR 5/10/2000	-196.35	.34
6671	05-11-2000	10 MAINTENANCE PAYROLL PAY GR. #1 4/1-4/30/00	22.80	23.14
6708	05-15-2000	39 LEGAL FEES CA#97-7156 20% OF \$200.00	-40.00	-16.86
6708	05-15-2000	39 LEGAL FEES CA#97-7156 20% OF \$22.80	-4.56	-21.42
6930	06-05-2000	41 MEDICAL MEDICAL COPAY 6/1-4/00	-2.00	-23.42
6961	06-07-2000	41 MEDICAL MEDICAL COPAY 6/3-6/00	-2.00	-25.42
6991	06-08-2000	10 MAINTENANCE PAYROLL PAY GROUP #1 5/1-5/31/00	25.80	.38
BALANCE AFTER THESE TRANSACTIONS----->				.38

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AF5268	THOMAS	CURTIS		.38

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7382	07-13-2000	10 MAINTENANCE PAYROLL PAY GR. #1 6/1 - 6/30/00	21.60	21.98
7405	07-14-2000	39 LEGAL FEES CA#97-7156 20% OF \$25.80	-5.16	16.82
7405	07-14-2000	39 LEGAL FEES CA#97-7156 20% OF \$21.60	-4.32	12.50
7431	07-18-2000	35 DENTAL/GLASSES NEW FRAMES 7/7/00	-4.50	8.00
8208	07-26-2000	32 HOU COMMISSARY FOR 7/26/2000	-7.84	.16
7559	07-28-2000	10 MAINTENANCE PAYROLL PAY GR. #2 6/15 - 7/14/00	9.00	9.16
8215	08-02-2000	32 HOU COMMISSARY FOR 8/02/2000	-5.38	3.78
8222	08-09-2000	32 HOU COMMISSARY FOR 8/09/2000	-3.54	.24
7894	08-24-2000	10 MAINTENANCE PAYROLL PAY GR. #2 7/15 - 8/14/00	36.36	36.60
8243	08-30-2000	32 HOU COMMISSARY FOR 8/30/2000	-36.10	.50
27	09-06-2000	41 MEDICAL MEDICAL CO-PAY 9/1-9/5/00	-2.00	-1.50
70	09-11-2000	39 LEGAL FEES CA#97-7156 20% OF \$9.00	-1.80	-3.30
70	09-11-2000	39 LEGAL FEES CA#97-7156 20% OF \$36.36	-7.27	-10.57
217	09-21-2000	10 MAINTENANCE PAYROLL PAY GR. #2 8/15 - 9/14/00	28.52	17.95
BALANCE AFTER THESE TRANSACTIONS----->				17.95

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AF5268	THOMAS	CURTIS		17.95

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8277	10-03-2000	32 HOU COMMISSARY FOR 10/03/2000	-4.92	13.03
420	10-11-2000	31 OUTSIDE PURCHASES UNITED ST DIST CT (FILING FEE)	-5.00	8.03
8291	10-17-2000	32 HOU COMMISSARY FOR 10/17/2000	-2.11	5.92
527	10-18-2000	39 LEGAL FEES CA#97-7156 20% OF \$28.52	-5.70	.22
541	10-19-2000	14 MISCELLANEOUS ADD BK MICHAEL KUNZ CLK 325090	5.00	5.22
632	10-27-2000	10 MAINTENANCE PAYROLL PAY GR. #2 9/15 - 10/14/00	7.08	12.30
738	11-06-2000	31 OUTSIDE PURCHASES CLERK OF US DIST CT (FEES)	-5.00	7.30
829	11-15-2000	39 LEGAL FEES CA#97-7156 20% OF \$7.08	-1.42	5.88
1017	12-04-2000	37 POSTAGE POSTAGE DEC 4, 2000	-.77	5.11
1017	12-04-2000	37 POSTAGE POSTAGE DEC 4, 2000	-.77	4.34
8340	12-05-2000	32 HOU COMMISSARY FOR 12/05/2000	-.89	3.45
1104	12-11-2000	41 MEDICAL MEDICAL COPAY 12/7-10/00	-2.00	1.45
8347	12-12-2000	32 HOU COMMISSARY FOR 12/12/2000	-1.27	.18
1153	12-14-2000	37 POSTAGE POSTAGE DEC 14, 2000	-.99	-.81
1190	12-18-2000	37 POSTAGE POSTAGE DEC 18, 2000	-.22	-1.03
1190	12-18-2000	37 POSTAGE POSTAGE DEC 18, 2000	-1.21	-2.24
0	12-29-2000	92 TRANSFER OUT HOUTZDALE		
0	12-29-2000	91 TRANSFER IN CAMP HILL		
7226	12-29-2000	14 MISCELLANEOUS REIM SCIC GRIV 131-00	35.79	33.55
0	12-29-2000	82 TRANSFER OUT CAMP HILL		
0	12-29-2000	81 TRANSFER IN HOUTZDALE		
1323	12-29-2000	37 POSTAGE POSTAGE DEC 29, 2000	-.22	33.33

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 2/21/2001
PAGE 2

INMATE NUMBER	NAME LAST	FIRST	MI
AF5268	THOMAS	CURTIS	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
1323	12-29-2000	37 POSTAGE		
		POSTAGE DEC 29, 2000	-.22	33.11
1323	12-29-2000	37 POSTAGE		
		POSTAGE DEC 29, 2000	-.22	32.89
1323	12-29-2000	37 POSTAGE		
		POSTAGE DEC 29, 2000	-.22	32.67
		BALANCE AFTER THESE TRANSACTIONS----->		32.67

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 15:46

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM ACTIVE FILE

RUN IAS365
DATE 2/21/2001
PAGE 1

INMATE NAME
NUMBER LAST
AF5268 THOMAS

FIRST MI
CURTIS

STARTING BALANCE
32.67

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
1333	01-02-2001 37	POSTAGE		
		POSTAGE JAN 2, 2001	-1.65	31.02
1400	01-09-2001 37	POSTAGE		
		POSTAGE JAN 9, 2001	-1.81	29.21
8009	01-09-2001 32	HOU COMMISSARY		
		FOR 1/09/2001	-5.83	23.38
1542	01-19-2001 36	PRINTED MATERIALS		
		XEROX JAN 19, 2001	-3.70	19.68
8030	01-30-2001 32	HOU COMMISSARY		
		FOR 1/30/2001	-7.32	12.36
8037	02-06-2001 32	HOU COMMISSARY		
		FOR 2/06/2001	-.63	11.73
8039	02-08-2001 32	HOU COMMISSARY		
		FOR 2/08/2001	-2.83	8.90
1802	02-09-2001 36	PRINTED MATERIALS		
		XEROX FEB 9, 2001	-.40	8.50
1908	02-21-2001 37	POSTAGE		
		POSTAGE FEB 21, 2001	-1.18	7.32
		BALANCE AFTER THESE TRANSACTIONS----->		7.32

**THE SUPERIOR COURT OF PENNSYLVANIA
PITTSBURGH OFFICE**

**TO: WILLIAM SHAW, CLERK OF COURTS
CLEARFIELD
ELEANOR R. VALECKO, Deputy Prothonotary**

DATE: FEBRUARY 23, 2001

**IN RE: COMMONWEALTH OF PENNSYLVANIA, EX REL
CURTIS X. THOMAS VS.
JOHN M. MCCULLOUGH, SUPERINTENDENT STATE
CORRECTIONAL INSTITUTION AT HOUTZDALE
NO. 2001-51-CD**

The Notice(s) of Appeal is being returned for the following defects:

The use of et al or any abbreviation is not permitted. The caption must Appear, as it was when the original complaint or indictment paper was Filed with the trial court.

A separate Notice of Appeal should be filed if the captions are not Uniform and has a different trial court docket number or more than one Order is being appealed. (see PA.R.A.P. 512).

**X OTHER: IT IS THE RESPONSIBILITY OF THE APPELLANT TO MAKE SERVICE
X OF THE NOTICE OF APPEAL ON ALL PARTIES WHO WOULD HAVE AN
X INTEREST IN THE NOTICE OF APPEAL. THE APPELLANT HAS NEGLECTED TO
X LIST THE NAME OF OPPOSING COUNSEL.
X**

**X Complete name and address for all counsel and whom they represent;
X Trial court Judge and court reporter. If no testimony was taken it must
X Be so noted.**

\$55.00 fee; In Forma Pauper Order or Verified Statement indicating the Date In Forma Pauperis was granted, not included. A Verified Statement must Indicate the date of the trial court order granting IFP status.

Copy of Petition to Proceed In Forma Pauperis/Application for Appointment Of Counsel pending disposition by the trial court not attached.

**WHEN THE APPELLANT FILES THE APPROPRIATE CORRECTIONS OR AN
AMENDED NOTICE OF APPEAL HAS BEEN FILED WITH YOUR OFFICE, THE
INITIAL NOTICE OF APPEAL AND THE CORRECTIONS ARE TO BE
FORWARDED TO THE SUPERIOR COURT FOR DOCKETING.**

CC: MR. CURTIS X. THOMAS

FILED

FEB 26 2001
m 11:10/ww
William A. Shaw
Prothonotary

#5

In The Court Of Common Pleas Of Cleofield County

Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

No. 2001-51-CD
Habeas Corpus

Notice Of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court Of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ Of Habeas Corpus, Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 * AF-5268
Hartzdale, Pa. 16698-1000

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 22 2001

Attest.

William L. Shaw
Prothonotary

In The Court Of Common Pleas Of ~~War~~field County

Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-SI-CD

Motion For Docket Entries

A notice of appeal having been filed in this matter, the Clerk Of Court is hereby ordered to produce and attach to the notice of appeal a copy of the docket entry of the Order appealed from in conformity with Rule 904 of the Pennsylvania Rules Of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 "AF-5268
Houtzdale, Pa. 16698-1000

In The Court of Common Pleas of Cleo-field County

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

- vs -

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

Motion For Transcripts

A notice of appeal having been filed in this matter, the Official Court Reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro SE
P.O. Box 1000 * AF-5268
Houtzdale, Pa. 16698-1000

In The Court of Common Pleas of Clearfield County
Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

-05-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Hartzdale

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to the Superior Court of Pennsylvania in the above captioned matter and avers the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Hartzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the petition for writ of habeas corpus petitioner filed on December 1, 2000 seeking court ordered relief from the conditions of his confinement pursuant to Pennsylvania Rules of Criminal Procedure Rule 1701(b) and 42 Pa. C.S. section 6502(b). This Honorable Court denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus challenging the conditions of ones confinement pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the staff

Para-Legal at the prison because he is attempting to challenge the authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paging System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance in this litigation.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal to the Superior Court of Pennsylvania nor file an emergency petition for writ of habeas corpus to the appellate courts to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this Application and appoint counsel to represent him in this appeal to the Superior Court of Pennsylvania.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 * AF-5268

Houtzdale, PA. 16698-1000

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Office Of The Chief Counsel, Pa. Department Of Corrections, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondant's Attorney) (1 copy)

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

DATE: FEBRUARY 20, 2001

Date: 02/22/2001

Time: 12:08 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

Case: 2001-00051-CD

Current judge: John K. Reilly Jr.

User: BILLSHAW

Date

Judge

Curtis X. Thomas vs. John M. McCullough

01/10/2001 New Case Filed.

No Judge

Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by:
Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001
Amount: \$.00 (Cash)

No Judge

01/25/2001

Order, filed.

John K. Reilly Jr.

NOW, this 24th day of January, 2001, Order of this Court that said Petition
be and is hereby dismissed.

RECEIVED
FEB 23 2001
PITTSBURGH, OFFICE OF
SUPERIOR COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs-

No. 2001 - 51 - CD

JOHN M. McCULLOUGH,
SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT
HOUTZDALE

ORDER

NOW, this 27th day of February, 2001, upon consideration of Defendant's Application to Appeal In Forma Pauperis, the Court being satisfied that his underlying petition being clearly improper as per the Order of this Court dated January 24, 2001, it is the ORDER of this Court that said Motion be and is hereby dismissed.

By the Court,

President Judge

FILED

FEB 27 2001

William A. Shaw
Prothonotary

#6

FILED

FEB 27 2001

0135711cc
William A. Shaw
Prothonotary

Dy. McCullough

cc Pg. Curtis Thomas
~~cc~~

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas
vs.

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

FILED

MAR 14 2001

W/ 2:45 PM

William A. Shaw

Prothonotary

CLERK TO SUPERIOR COURT

Amended Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549,
230 East Market Street, Clearfield, PA. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas,
230 East Market Street, Clearfield, PA. 16830 (1 original)

Mr. David S. Meholick, Court Administrator, Court Of Common Pleas,
230 East Market Street, Clearfield, PA. 16830 (1 copy)

Mr. Thomas Snyder and/or Ms. Cathy Provost % Official Court Reporter,
Court Of Common Pleas, 230 East Market Street, Clearfield, PA. 16830 (1 copy)

Ms. Sarah Vanderbrack, Chief Counsel, Office Of The Chief Counsel, P.O. Box
598, Camp Hill, PA. 17001-0598 (Respondant's Attorney) (1 copy)

7

Date: February 20, 2001

sl Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1600 *AF-5268
Hartzdale, Pa. 16698-1000

Third Amended Proof Of Service Prepared: March 12, 2001

**THE SUPERIOR COURT OF PENNSYLVANIA
PITTSBURGH OFFICE**

**TO: WILLIAM SHAW, CLERK OF COURTS
CLEARFIELD COUNTY
ELEANOR R. VALECKO, Deputy Prothonotary**

DATE: MARCH 21, 2001

**IN RE: COMMONWEALTH OF PENNSYLVANIA, EX REL
CURTIS X. THOMAS VS. JOHN M. MCCULLOUGH,
SUPERINTENDENT STATE CORRECTIONAL INSTITUTION AT
HOUTZDALE
NO. 2001-51-CD**

The Notice(s) of Appeal is being returned for the following defects:

The use of et al or any abbreviation is not permitted. The caption must Appear, as it was when the original complaint or indictment paper was Filed with the trial court.

A separate Notice of Appeal should be filed if the captions are not Uniform and has a different trial court docket number or more than one Order is being appealed. (see PA.R.A.P. 512).

- X OTHER: THE DOCKET ENTRIES FROM THE TRIAL COURT REFLECT THAT THE**
- X PETITION TO PROCEED IN FORMA PAUPERIS WERE DISMISSED 1/24/2001.**
- X**
- X**
- X**

Complete name and address for all counsel and whom they represent;
Trial court Judge and court reporter. If no testimony was taken it must
Be so noted.

- X \$55.00 fee; In Forma Pauper Order or Verified Statement indicating the**
- X Date In Forma Pauperis was granted, not included. A Verified Statement must**
- X Indicate the date of the trial court order granting IFP status.**

Copy of Petition to Proceed In Forma Pauperis/Application for Appointment
Of Counsel pending disposition by the trial court not attached.

**WHEN THE APPELLANT FILES THE APPROPRIATE CORRECTIONS OR AN
AMENDED NOTICE OF APPEAL HAS BEEN FILED WITH YOUR OFFICE, THE
INITIAL NOTICE OF APPEAL AND THE CORRECTIONS ARE TO BE
FORWARDED TO THE SUPERIOR COURT FOR DOCKETING.**

CC: MR. CURTIS X. THOMAS

FILED

MAR 23 2001
m/3:20/45
William A. Shaw
Prothonotary

#8

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
EX REL. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-SI-CD
HABEAS CORPUS

Notice Of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court Of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ of Habeas Corpus, Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

FILED

FEB 22 2001

M / 12:05 / W

William A. Shaw
Prothonotary

WES

CERT NOTICED TO SUPERIOR COURT.

CERT COPY TO C/A + COURT REPORTER

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 * AF-5268

Houtzdale, PA. 16698-1000

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 20 2001

Attest.

William A. Shaw
Prothonotary

2

In The Court of Common Pleas of Fairfield County

Commonwealth of Pennsylvania
EX REL. Curtis X Thomas

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-SI-CD

Motion for Docket Entries

A notice of appeal having been filed in this matter, the Clerk of Court is hereby ordered to produce and attach to the notice of appeal a copy of the docket entry of the Order appealed from in conformity with Rule 904 of the Pennsylvania Rules of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 "AF-5268
Houtzdale, Pa. 16698-1000

In The Court of Common Pleas of Clearfield County

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

- vs -

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

Motion For Transcripts

A notice of appeal having been filed in this matter, the Official Court Reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16648-1000

Commonwealth of Pennsylvania
EX REL. CURTIS X THOMAS

-DS-

No. 2001-51-CD

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

Application For The Appointment Of Appellate Counsel

Now comes Petitioner, Curtis X Thomas, pro se, who moves this Honorable Court for the Appointment of Appellate Counsel to represent him on appeal to the Superior Court of Pennsylvania in the above captioned matter and AVERs the following in support:

1. Petitioner is presently confined at the State Correctional Institution at Houtzdale in H-Unit Restricted Housing Unit as a result of the denial of due process at a prison disciplinary hearing. This confinement is the basis of the petition for writ of habeas corpus petitioner filed on December 1, 2000 seeking court ordered relief from the conditions of his confinement pursuant to Pennsylvania Rules of Criminal Procedure Rule 1701(b) and 42 Pa. C.S. section 6502(b). This Honorable Court denied said petition, without a hearing, on January 24, 2001 stating that it lacked jurisdiction to entertain a petition for writ of habeas corpus challenging the conditions of one's confinement pursuant to the above mentioned laws.

2. Petitioner is currently denied access to the telephone to make legal (attorney) calls to obtain assistance and advice in the prosecution of this appeal. He is also denied access to the staff

is a legal at the prison because he is attempting to challenge the authority of the Administration at the State Correctional Institution at Houtzdale to subject him to cruel and unusual punishments in violation of the State and Federal Constitutions. Petitioner is being denied access to the prison Main Law Library via the Paging System to obtain photocopies of the law that may be useful in the litigation of this petition and appeal. Petitioner is denied the opportunity to use the Restricted Housing Unit Mini Law Library with another prisoner simultaneously so that he may obtain their assistance in this litigation.

3. Petitioner is presently and will continue to be subjected to behaviour that is cruel, inhumane, depraved, illegal and a denial of due process and his right to redress a grievance under the State and Federal Constitutions because he is indigent and a prisoner if this Court does not grant relief.

4. Petitioner is unable to retain private counsel to perfect this appeal to the Superior Court of Pennsylvania nor file an emergency petition for writ of habeas corpus to the appellate courts to end his deprivations because he is poor.

Wherefore, petitioner prays that this Honorable Court grant this application and appoint counsel to represent him in this appeal to the Superior Court of Pennsylvania.

(s) Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se

P.O. Box 1000 # AF-5268

Houtzdale, PA. 16698-1000

Proof Of Service

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, Pa. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 original)

Mr. David S. Meholic, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Official Court Reporter, Court Of Common Pleas, 230 East Market Street, Clearfield, Pa. 16830 (1 copy)

Office Of The Chief Counsel, Pa. Department Of Corrections, P.O. Box 598, Camp Hill, Pa. 17001-0598 (Respondant's Attorney) (1 copy)

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 # AF-5268
Houtzdale, Pa. 16698-1000

DATE: FEBRUARY 20, 2001.

Date: 02/22/2001

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 12:08 PM

ROA Report

Page 1 of 1

Case: 2001-00051-CD

Current judge: John K. Reilly Jr.

Date	Judge
Curtis X. Thomas vs. John M. McCullough 01/10/2001 New Case Filed.	No Judge
Filing: Application to Proceed In Forma Pauperis, Civil Filing Paid by: Thomas, Curtis X. (plaintiff) Receipt number: 1816481 Dated: 01/10/2001 Amount: \$.00 (Cash)	No Judge
01/25/2001 Order, filed. NOW, this 24th day of January, 2001, Order of this Court that said Petition be and is hereby dismissed.	John K. Reilly Jr.

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
et al. Curtis X Thomas
vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 14 2001

Amended Proof Of Service Attest

William A. Shaw
Prothonotary

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549, 230 East Market Street, Clearfield, PA. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas, 230 East Market Street, Clearfield, PA. 16830 (1 original)

Mr. David S. Mehlick, Court Administrator, Court Of Common Pleas, 230 East Market Street, Clearfield, PA. 16830 (1 copy)

Ms. Snyder and/or Ms. Cathy Proost % Official Court Reporter, 598, Common Pleas, 230 East Market Street, Clearfield, PA. 16830 (1 copy)

Mr. [unclear]braak, Chief Counsel, Office Of The Chief Counsel, P.O. Box 17001-0598 (Respondant's Attorney) (1 copy)

DATE: February 20, 2001

sl Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 1600 *AF-5268
Hartzdale, Pa. 16698-1000

Third Amended Proof of Service Prepared: March 12, 2001

In The Court Of Common Pleas Of Clearfield County
Commonwealth Of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. 2001-51-CD

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAR 14 2001

Amended Proof Of Service Attest

William A. Shaw
Prothonotary

I, Curtis X Thomas, hereby certify that on this date, I caused to be served the foregoing: Notice Of Appeal, Motion For Docket Entries, Motion For Transcripts, Application For The Appointment Of Appellate Counsel and Application To Appeal In Forma Pauperis, via first-class mail, by giving same to Officers in the Restricted Housing Unit at the State Correctional Institution at Houtzdale for deposit in the U.S. Mail to the below listed parties. With the exception of Respondants Attorney and the President Judge all other copies forwarded to Clerk Of Court for distribution:

Mr. William A. Shaw, Clerk Of Courts, Court Of Common Pleas, P.O. Box 549,
230 East Market Street, Clearfield, PA. 16830 (1 original & 1 copy)

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas,
230 East Market Street, Clearfield, PA. 16830 (1 original)

Mr. David S. Meholic, Court Administrator, Court Of Common Pleas,
230 East Market Street, Clearfield, PA. 16830 (1 copy)

Mr. Thomas Snyder and/or Ms. Cathy Provost to Official Court Reporter,
Court Of Common Pleas, 230 East Market Street, Clearfield, PA. 16830 (1 copy)

Ms. Sarah Vanderbraak, Chief Counsel, Office Of The Chief Counsel, P.O. Box
598, Camp Hill, PA. 17001-0598 (Respondant's Attorney) (1 copy)

Date: February 20, 2001

sl Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1600 *AF-5268
Hartzdale, Pa. 16698-1000

Third Amended Proof of Service Prepared: March 12, 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

COMMONWEALTH OF PENNSYLVANIA:

EX REL. CURTIS X. THOMAS :

-vs- : No. 01 - 51 - CD

JOHN M. MCCULLOUGH, SUPERIN- :

TENDENT, STATE CORRECTIONAL :

INSTITUTION AT HOUTZDALE :

ORDER

NOW, this 30th day of April, 2001, the Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter, it is the ORDER of this Court that Curtis X. Thomas, Appellant above-named, file a concise statement of the matters complained of on Appeal as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

By the Court,

President Judge

FILED

APR 30 2001

William A. Shaw
Prothonotary

(219)

FILED

APR 30 2001

William A. Shaw
Prothonotary

EWA

GENL COPIES TO

C. THOMAS
+

SARAH BASEDEN HART
To JOHN MCCLENN

Commonwealth Court of Pennsylvania

April 26, 2001

RE: Comwlth. Ex Rel v. McCullough
No.: 824 CD 2001
Agency Docket Number: 2001-51-CD
Filed Date: February 22, 2001

Notice of Docketing Appeal

A Notice of Appeal, a copy of which is enclosed, from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The docket number in the Commonwealth Court is endorsed on this notice. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

Under Chapter 19 of the Pennsylvania Rules of Appellate Procedure, the Notice of Appeal has the effect of directing the Court to transmit the certified record in the matter to the Prothonotary of the Commonwealth Court.

The complete record, including the opinion of the trial judge, should be forwarded to the Commonwealth Court within forty (40) days of the date of filing of the Notice of Appeal. Do not transmit a partial record.

Pa.R.A.P. 1921 to 1933 provides the standards for preparation, certification and transmission of the record.

The address to which the Court is to transmit the record is set forth on Page 2 of this notice.

Notice to Counsel

A copy of this notice is being sent to all parties or their counsel indicated on the proof of service accompanying the Notice of Appeal. The appearance of all counsel has been entered on the record in the Commonwealth Court. Counsel has thirty (30) days from the date of filing of the Notice of Appeal to file a praecipe to withdraw their appearance pursuant to Pa. R.A.P. 907 (b).

Appellant or Appellant's attorney should review the record of the trial court, in order to insure that it is complete, prior to certification to this Court. (Note: A copy of the Zoning Ordinance must accompany records in Zoning Appeal cases).

The addresses to which you are to transmit documents to this Court are set forth on Page 2 of this Notice.

If you have special needs, please contact this court in writing as soon as possible.

Attorney Name	Party Name	Party Type
Sarah Baseden Hart, Esq.	John M. McCullough	Appellee
Curtis X. Thomas	Curtis X. Thomas	Appellant

FILED

APR 30 2001
M/4:00/ WK
William A. Shaw
Prothonotary

#10

Address all written communications to:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
P.O. Box 11730
Harrisburg, PA 17108
(717) 255-1650

Filings may be made in person at the following address (except on Saturdays, Sundays and holidays observed by Pennsylvania Courts) between 9:00 a.m. and 4:00 p.m.

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Room 624
Sixth Floor
South Office Building
Harrisburg, PA 17120
(717) 255-1650

Pleadings and similar papers (but not paperbooks or certified records) may also be filed in person only at:

Office of the Chief Clerk
Commonwealth Court of Pennsylvania
Filing Office
Suite 990
The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 560-5742

The hours of the Philadelphia Filing Office are 9:00 a.m. to 4:00 p.m.

Under Pa.R.A.P. 3702, writs or other process issuing out of the Commonwealth Court shall exit only from the Harrisburg Office.

COMMONWEALTH OF PENNSYLVANIA
EX REL. CURTIS X THOMAS

-VS-

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

24C2001
NO. 2001-51-C.D
HABEAS CORPUS

Notice of Appeal

Notice is hereby given that Curtis X Thomas, petitioner above named, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 24th day of January, 2001 which denied a Petition for Writ of Habeas Corpus Application To Proceed In Forma Pauperis and Application For The Appointment Of Counsel. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

FILED

FEB 22 2001

M/12:05/44

William A. Shaw
Prothonotary

CONF NOTICE TO SUPERIOR COURT.

CONF COPY TO C/A + COURT REPORTER

SI Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 1000 * AF-5268
Houtzdale, PA. 16698-1000

SEARCHED
SERIALIZED
INDEXED
FILED

MAR 20 2001

Attest

William A. Shaw
Prothonotary

2

In The Court Of Common Pleas Of Clearfield County, Pennsylvania
Commonwealth Of Pennsylvania
Ex Rel. Curtis X Thomas
vs.
John M. McCullough, Superintendent
S.C.I. at Houtzdale

No. 2001-51-CD

Statement Of Matters Complained Of On Appeal

To The Honorable The Judges Of The Said Court:

Pursuant to the Courts Order of April 30, 2001 - which was not received by Appellant until May 7, 2001 due to a change in address - Curtis X Thomas now files this statement of matters complained of on appeal within fourteen (14) days of receipt of the Courts Order and request that it be accepted as timely filed.

Appellant Curtis X Thomas, Pro Se, complains of the following matters on appeal:

1. The Court of Common Pleas of Clearfield County had the jurisdiction to hear the petition for writ of habeas corpus challenging the conditions of Appellants confinement in the Restricted Housing Unit of the State Correctional Institution at Houtzdale, Clearfield County Pennsylvania pursuant to the Pennsylvania Rules of Criminal Procedures, rule 1701 (b).

FILED

MAY 24 2001
14/11:30/68
William A. Shaw
Prothonotary
no c/c

(11)

(11)

2. Appellant respectfully requests that permission be granted to supplement this Statement of Matters Complained Of On Appeal, if necessary.

Respectfully submitted,

s/ Mr. Curtis X Thomas
Mr. Curtis X Thomas, Pro Se
P.O. Box 200 #AF-5268
Camp Hill, PA. 17001-0200

Date: May 18, 2001

In: The Court Of Common Pleas Of Clearfield County, Pennsylvania
Commonwealth Of Pennsylvania
Ex Rel. Curtis X Thomas
vs.

No. 2001-51-CD

John M. McCullough, Superintendent
S.C.I. At Houtzdale

Proof Of Service

I, Curtis X Thomas, hereby certify that a copy of the enclosed Statement Of Matters Complained Of On Appeal was served on the below listed parties via first-class mail by depositing same with Correctional Officers at the Special Management Unit in the State Correctional Institution at Camp Hill:

Mr. William A. Shaw, Clerk of Court, Court Of Common Pleas
P.O. Box 549 Clearfield, Pa. 16830

Honorable John K. Reilly, Jr., President Judge, Court Of Common Pleas,
230 East Market Street, Clearfield Pa. 16830

Mrs. Sarah Baseden Hart, Esq., Appellee's Attorney, Office Of Chief
Counsel, P.O. Box 598, Camp Hill, Pa. 17001-0598

~~Mrs. Eleanor R. Velecko, Deputy Prothonotary, Superior Court Of Pa.~~

Mr. C.R. Hostutler, Chief Clerk, Commonwealth Court Of Pennsylvania,
P.O. Box 11730, Harrisburg, Pa. 17108

DATE: MAY 18, 2001

sl. Mr. Curtis X Thomas

Mr. Curtis X Thomas, Pro Se
P.O. Box 200 "AF-5268
Camp Hill, Pa. 17001-0200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:
EX REL. CURTIS X. THOMAS

-vs-

No. 01 - 51 - CD

JOHN M. MCCULLOUGH,
SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT
HOUTZDALE

OPINION

Curtis X. Thomas, Appellant herein and an inmate at the State Correction Institute at Houtzdale, petitioned this Court on January 10, 2001, seeking in forma pauperis status to proceed on a Petition for Writ of Habeas Corpus attached to this Opinion. He also sought the appointment of counsel to represent him in the proceeding. Following examination of Appellant's Petition, this Court entered an Order on January 24, 2001, dismissing his Petition for in forma pauperis status and appointment of counsel.

Although Appellant is clearly indigent, his Petition for Writ of Habeas Corpus is clearly improper in that it seeks relief from alleged improprieties with regards to his incarceration. Clearly there are procedures within the state correction institute itself to address the prisoner's complaints and the issues he raises are not such that this Court can review or rule upon and therefore, this Court denied him in forma pauperis status and the appointment of counsel.

FILED

JUN 22 2001

William A. Shaw
Prothonotary

Dated: June 22, 2001

By the Court,

President Judge

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

Habeas Corpus

Order

And now, this _____ day of December, 2000, upon consideration of the within petition and upon motion of petitioner, pro se, it is directed that a writ of habeas corpus ad subjiciendum be issued forthwith and that a hearing be held on the _____ day of December, 2000 at _____ o'clock _____ m. in court room No. _____, court house, _____, Pennsylvania, and that the prothonotary be directed to serve John M. McCullough, Superintendent of The State Correctional Institution at Houtzdale, P.O. Box 1000, Houtzdale, Pennsylvania 16698-1000, with the said writ or a copy.

Notice of said hearing shall be given forthwith to the Office of The Chief Counsel, Pennsylvania Department of Corrections P.O. Box 598, Camp Hill, Pennsylvania 17001-0598.

By the Court:

_____, Judge.

In The Court Of Common Pleas Of Clearfield County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale

No. _____

Habeas Corpus

Writ Of Habeas Corpus

To: John M. McCullough, Superintendent
State Correctional Institution at Houtzdale
Houtzdale, Pennsylvania

Greetings:

We command you, that the body of Curtis X Thomas *AF-5268, under your custody detained, as it is said, by whatsoever name he may be detained, you bring before the Honorable _____, Judge of our Court of Common Pleas, in the County of Clearfield at the court house, in court room No. _____, at _____ o'clock _____ M., on the _____ day of December, 2000 to do, submit to, and receive whatsoever our said Judge shall then and there consider in that behalf.

Witness, the Honorable _____, Judge of our Court. the _____ day of December, 2000.

Prothonotary

In The Court of Common Pleas of ~~Clar~~field County
Civil Action - Law

Commonwealth of Pennsylvania
ex rel. Curtis X Thomas,
Petitioner

vs.

John M. McCullough, Superintendent
State Correctional Institution at Houtzdale
P.O. Box 1000 Houtzdale, Pennsylvania 16698,
Respondent

No. _____
Habeas Corpus

Petition for Writ of Habeas Corpus

To the Honorable, the Judges of the Said Court:

The petitioner, Curtis X Thomas, respectfully represents:

1. Petitioner believes and therefore avers that on September 22, 2000 at approximately 3:00 P.M. petitioner was removed from F-Block Pod B cell 37 in the general prison population of the State Correctional Institution at Houtzdale and confined to H-Block Pod C cell 2 in the Restricted Housing Unit and placed in pre-hearing confinement pursuant to Department Of Corrections (hereinafter D.O.C.) Policy Statement number DC-ADM 801 (hereinafter DC-ADM 801).

2. Petitioner received D.O.C. Revised June-1984 (hereinafter Rev. 6-84) Form DC-141 Part 1 Misconduct Report no. 992622 charging him with #33 Using abusive, obscene, or inappropriate language to an employee, #35 Refusing to obey an order, #42 Lying

to an employee, and "93 Presence in an unauthorized area. With this report petitioner also received Rev. 6-84 Forms DC-141 Part II A Inmate Request For Representation And Witnesses and DC-141 Part II C Hearing Supplement, Inmate Version And Witness Statements form at approximately 5:43 P.M. on September 22, 2000. These three (3) forms were served by Correctional Officer Grice (hereinafter C.O. Grice).

3. Rev. 6-84 Form DC-141 Part II A Inmate Request For Representation And Witnesses states: "In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 A.M. the first working day after you receive notice of the misconduct."

4. DC-ADM 801 defines "Working Days" as: "The normal work days of the Department, Monday through Friday, excluding holidays."

5. Petitioner completed form DC-141 Part II A by requesting representation by staff and two (2) staff witnesses. This completed form was given to H-Block Restricted Housing Unit staff member C.O. Grice at 5:38 P.M. on September 23, 2000 which was a non working day.

6. Petitioner was taken to a disciplinary hearing of misconduct report no. 992622 at approximately 11:20 A.M. on September 26, 2000 which was conducted by Hearing Examiner - Carol Baker. This hearing was not conducted in the normal Hearing Room where witnesses and representatives are normally permitted, but conducted in the secure location of the Restricted Housing Unit where representatives and witnesses are not normally permitted to enter.

7. Petitioner informed the Hearing Examiner - Carol Baker that a properly submitted request for representation and witnesses - Rev. 6-84 form DC-141 Part II A - had been filed. The Hearing Examiner informed petitioner that she was not in possession of such form but nevertheless representation was no longer permitted under new procedures and that witnesses would not be required in this matter.

8. Petitioner did not submit a Rev. 6-84 DC-141 Part II C Hearing Supplement, Inmate Version And Witness Statements form at the hearing of this misconduct report because it was his intention to have his representative marshal the facts and present a defense on this form after conducting a proper investigation since petitioner was confined the Restricted Housing Unit and unable to do so himself. Petitioner did give a verbal statement which refuted the charges in the misconduct report to which he plead not guilty. Petitioner's statement was given under oath and was not recorded by the Hearing Examiner on Rev. 6-84 form DC-141 Part II B Disciplinary Hearing Report.

9. Petitioner, at the conclusion of the disciplinary hearing, was found guilty of charges no. 33 and no. 35 with charges no. 42 and no. 43 dismissed by Hearing Examiner - Carol Baker. This act of factfinding and rendering of guilt was not based on a preponderance of evidence but based on no evidence of guilt presented at the hearing of this misconduct report.

10. Petitioner did not receive a written statement of the evidence relied upon to find guilt and the reasons for the decision and sanction given by Hearing Examiner - Carol Baker on form DC-141 Part II B.

11. Petitioner AVERs that all the actions taken against him by Hearing Examiner - Carol Baker in the matter of Misconduct Report no. 992622 were in violation of due process under the state and federal constitutions, state law, and D.O.C. policy.

12. Petitioner believes and therefore AVERs that all the actions taken against him by Hearing Examiner - Carol Baker has caused petitioner: 1) to be confined to the Restricted Housing Unit, 2) to lose two (2) prison employment assignments and wages, 3) to lose a level three (3) custody status, and 4) to become eligible for transfer to a long-term lock-down control unit for disciplinary purposes at another correctional institution.

13. Wherefore, petitioner requests that a writ of habeas corpus be issued directed at the Superintendent of the State Correctional Institution at Houtzdale to deliver petitioner before the Court of Common Pleas of Clearfield County, that Misconduct Report no. 992622 be dismissed and petitioner be restored to his custody status, privileges, employment assignments plus back wages and transfer to a State Correctional Institution of his choosing. It is further requested that petitioner not be transferred to a more punitive Restricted Housing Unit at any other Correctional Institution to defeat this petition.

s/ ~~Mr. Curtis X Thomas~~
Mr. Curtis X Thomas
P.O. Box 1000 *AF-5268
Houtzdale, PA. 16698-1000

Date Filed: December 1, 2000