

03-1182-CD
RUFUS OLIVER, III vs. WILLIAM J. LOVE et al.

U

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RUFUS OLIVER, III, :
Petitioner :
v.
: :
WILLIAM J. LOVE et al., :
Respondents : No. 442 M.D. 2003

PER CURIAMORDER

NOW, July 7, 2003, upon consideration of petitioner's petition for review, and it appearing that petitioner has failed to name the Commonwealth government or an officer thereof so as to vest this court with original jurisdiction, 42 Pa. C.S. §761; Mickens v. Jeffes, 453 A.2d 1092 (Pa. Cmwlth. 1983); Opie v. Glasgow, Inc., 375 A.2d 396, 398 (Pa. Cmwlth. 1977), this matter is transferred to the Court of Common Pleas of Clearfield County. 42 Pa. C.S. §5103.

The Chief Clerk shall transmit the record and certify a photocopy of the docket entries in this matter to the prothonotary of the Court of Common Pleas of Clearfield County.

Certified from the Record

JUL - 8 2003

and Order Exit

FILED
M 11:45 AM
AUG 11 2003
William A. Shaw
Prothonotary/Clerk of Courts

*Entered
8/8/03*

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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v.

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FILED
m 11:45 AM
AUG 11 2003

JUL - 8 2003

and Order Exit

William A. Shaw
Prothonotary/Clerk of Courts

Docket Number: 442 MD 2003

Page 1 of 3

August 1, 2003



Rufus Oliver, III,

Petitioner

v.

William J. Love, et.al.,

Respondents

Initiating Document: Petition for Review

Case Status: Closed

July 7, 2003

Completed

Case Processing Status:

Journal Number:

Case Category: Miscellaneous

CaseType:

Inmate Petition for Review

Consolidated Docket Nos.:

Related Docket Nos.:

COUNSEL INFORMATION

Petitioner Oliver III, Rufus

Pro Se: ProSe

Appoint Counsel Status:

IFP Status:

Attorney: Oliver III, Rufus

Bar No.:

Law Firm:

Address: CX-7073

P.O. Box 1000

Houtzdale, PA 16698-1000

Phone No.:

Fax No.:

Certified from the Record

AUG - 1 2003

and Order Exit

Receive Mail: Yes

Respondent Love, William J.

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Love, William J.

Law Firm:

Bar No.:

Address: SCI-Houtzdale

P.O. Box 1000

Houtzdale, PA 16698-1000

Phone No.:

Fax No.:

Receive Mail: Yes

Docket Number: 442 MD 2003
Page 2 of 3
August 1, 2003



TRIAL COURT/AGENCY INFORMATION

Court Below:
County:
Date of OrderAppealed From:
Date Documents Received: July 1, 2003
Order Type:
Judge:
Division:
Judicial District:
Date Notice of Appeal Filed:
Lower Court Docket No.:

ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description
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Date of Remand of Record:

BRIEFING SCHEDULE

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Exit Date	Party Type	Filed By
July 1, 2003	Petition for Review Filed		Petitioner	Oliver III, Rufus
July 1, 2003	Application to Proceed In Forma Pauperis		Petitioner	Oliver III, Rufus
July 7, 2003	Transfer	7/8/2003		Per Curiam
	The matter is transferred to the Court of Common Pleas of Clearfield Co.			
August 1, 2003	Transfer to Court of Common Pleas Clearfield County			Commonwealth Court Filing Office

Docket Number: 442 MD 2003
Page 3 of 3
August 1, 2003



SESSION INFORMATION

Journal Number:
Consideration Type:
Date Listed/Submitted:

DISPOSITION INFORMATION

Related Journal Number:		Judgment Date:	7/7/2003
Disposition Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Transfer	Disposition Date:	7/7/2003

Dispositional Comments: The matter is transferred to the Court of Common Pleas of Clearfield Co.

Dispositional Filing: Author:
Filed Date:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date:
Reargument Disposition: Date:
Record Remitted:



Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

August 1, 2003

Irvis Office Building, Room 624
Harrisburg, PA 17120
717-255-1650

TO:

RE: Oliver III v. Love et al
No. 442 MD 2003

Trial Court/Agency Dkt. Number:
Trial Court/Agency Name:

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
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Date of Remand of Record:

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

William A. Shaw

Printed Name

August 11, 2003

Date

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RUFUS OLIVER III, :
:
V. :
:
WILLIAM J. LOVE., et al. :
:

442 MD 2003

PETITION FOR REVIEW

TO THE HONORABLE JUDGE(S) OF THIS SAID COURT:

Now comes, RUFUS OLIVER III, D.O.C. No#: EA4811, with a Petition for Review to ask this Honorable Court to review the decision of the Department of Corrections, DC-ADM 804 Final Review to Grievance No. 46748 and the violation of the Petitioner/Plaintiff Right's under the First and Fourteenth Amendments of the Constitution of the United States of America.

JURISDICTION:

This Court has Jurisdiction over this Petition for Review Pursuant to 42 Pa. C.S.A. § 763, and therefore the authority to grant all relief found Right, Just and Equitable.

PARTIES:

Petitioner/Plaintiff, RUFUS OLIVER III, is and was at all times relevant herein, a citizen of the United States and a resident of the Commonwealth of Pennsylvania. Petitioner/Plaintiff is an adult individual, who currently resides at: P.O. Box 1000, EA4811, SCI-Houtzdale, Pa 16698.

PARTIES:

Respondent/Defendant William J. Love, known as (Mr. William

J. Love, Warden/Superintendent of SCI-Houtzdale), is a citizen of the United States and a resident of the Commonwealth of Pennsylvania. At all times relevant herein respondent/defendant was employed as a Warden/Superintendent of the State Correctional Institution SCI-Houtzdale, by the (COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS), with his address being: P.O. Box 1000, Houtzdale, Pa 16698.

PARTIES:

Respondent/Defendant Nancy Smith, known as (Ms. Nancy Smith, Institutional Mail Room Supervisor), is an adult individual who is a citizen of the United States and a resident of the Commonwealth of Pennsylvania. At all times complained of herein respondent/defendant is employed as the Mail Room Supervisor by the (COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS), at SCI-Houtzdale, the address being: P.O. Box 1000, Houtzdale, Pa 16698.

PARTIES:

Respondent/Defendant David Perry, known as (Mr. David Perry, Institutional Business Manager), is an adult individual who is a citizen of the United States and a resident of the Commonwealth of Pennsylvania. At all times complained of herein respondent/defendant is employed as the Business Manager by the (COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS), at SCI-Houtzdale, the address being: P.O. Box 1000, Houtzdale, Pa 16698.

PROCEDURAL HISTORY:

1. On March 8, 2003, Petitioner/Plaintiff sent a DC-135A (Request slip) to Mr. David Perry, Institution Business Manager, requesting that Petitioner/Plaintiff be allowed to anticipate postage for time critical legal mail that was being sent to

the United States District Courts Clerk's Office and to the Attorney Generals Office for the defendants to a law suit that the Petitioner/Plaintiff has against staff/administration here at SCI-Houtzdale.

2. Petitioner/Plaintiff received a request slip dated March 10, 2003, from Mr. David Perry, Institution Business Manager, telling Petitioner/Plaintiff that "he was not considered an indigent inmate and only indigent inmates could anticipate postage to send out legal mail".

3. On March 14, 2003, Petitioner/Plaintiff submitted an DC-804 Part I., Official Inmate Grievance on Mr. David Perry, Institution Business Manager and Ms. Nancy Smith, Institution Mailroom Supervisor, Because of the denial of due process according to Department of Corrections Policy.

4. On March 19, 2003, Petitioner/Plaintiff received a Pink-Action Return Copy slip from the Facility Grievance Coordinator Ms. Doretta Chencharich (grievance no# 46748), that was submitted on Ms. Nancy Smith, Institution Mailroom Supervisor, but did not receive a Pink-Action Return Copy slip the Facility Grievance Coordinator, Ms. Doretta Chencharich, from the grievance that was submitted on Mr. David Perry, Institution Business Manager.

5. Petitioner/Plaintiff submitted a DC-135A (Request Slip), dated March 21, 2003, to the Institution A Block Unit Manager, Ms. Vicki Henry, inquiring about not receiving any grievance tracking number nor a Pink-Action Return Copy Slip from the Facility Grievance Coordinator, Ms. Doretta Chencharich, for the grievance that was submitted on the Institution Business Manager, Mr. David Perry, on March 14, 2003, and was told by Ms. Henry (Unit Mgr) that she spoke to Ms. Chencharich (Grievance coordinator) who stated "She only received the grievance that was submitted on Ms. Nancy Smith (Mailroom supervisor), and

never received the grievance that was submitted on Mr. David Perry (Business Mgr), when both Ms. Smith and Mr. Perry's grievances were submitted on the same day, at the same time and on the same staple together.

6. Petitioner/Plaintiff received a DC-804 Part II., Official Grievance Review Response from Mr. David Perry, Institution Business Manager, the very individual staff member who not only had a grievance submitted on him by the Petitioner/Plaintiff but who was also identified by the Petitioner/Plaintiff as being involved in the issues, when Department of Corrections policy states; DC-ADM 804, Inmate Grievance System Policy, B. Initial Review., 1. Staff Responsibilities. e. If the Facility Grievance Coordinator determines that the issue being grieved is in accordance with DC-ADM 804, the Facility Grievance Coordinator designate a staff member to serve as the Grievance Officer for that issue. The Facility Coordinator shall not designate a staff member to serve as a Grievance Officer who was identified by the inmate as being involved in the issue.

7. Petitioner/Plaintiff did in fact try to receive relief from the staff/administration, from Mr. William J. Love, Institution Superintendent/Warden (Second level of Appeals for grievance no# 46748), concerning the denial of access to the Western District Federal Courts.

8. Petitioner/Plaintiff received Mr. William J. Love, Institution Superintendent/Warden response, dated March 28, 2003, from Mr. Henry A. Tatum, Institution Deputy Warden, for grievance no# 46748, agreeing with the decision subordinates/staff denying Petitioner/Plaintiff's access to the Western District Federal Court.

9. On April 4, 2003, Petitioner/Plaintiff did appeal grievance no#: 46748, (Third level of Appeals) to the Chief, Secretary's Office of Inmate Grievances ad Appeals.

NOTE: Without notification from the Chief, Secretary's Office of Inmate Grievances, Petitioner/Plaintiff was given an untimely response.

10. Petitioner/Plaintiff submitted a final notice dated May 21, 2003, to the Chief, Secretary's Office, advising the Chief Secretary that he/she entered into default by way of not responding in accordance to the Department of Corrections policy staff responsibilities.

11. Petitioner/Plaintiff received the Chief Secretary's untimely response on June 9, 2003, dated June 4, 2003, and signed by Ms. Kristen P. Reisinger, Assistant Chief Grievance Coordinator, who upheld the decision of the staff/administration to deny the Petitioner/Plaintiff access to the United States District Court.

12. Petitioner/Plaintiff asserts that he was denied access to the Federal Courts by not being allowed to anticipate postage for time critical legal mail on March 8, 2003, and was told by Mr. David Perry, Business Manager, that Petitioner/Plaintiff could "not exceed the balance of more than \$10.00 for anticipated postage", inspite of the fact that Petitioner/Plaintiff's account balance was already under a total amount of -\$1.66. Therefore, Petitioner/Plaintiff was lawfully entitled to indigency status and full anticipated postage.

13. Petitioner/Plaintiff was allowed to anticipate postage at the cost of -\$12.86 for legal mail on March 13, 2003, five days after he was denied anticipated postage for legal mail on March 8, 2003.

14. Petitioner/Plaintiff asserts that he has been budgeting his funds accordingly and was not able to even buy personal effects from the Houtzdale commissary from March 4, 2003 to April 15, 2003, because of legal fees of 20% (of all funds that

are placed on his account), Act 84 Transactions of 20% (of all funds that are placed on his account), Vendacard purchases for copies of legal documents to serve upon defendants involved in law suit here at this facility and anticipated postage for legal mail along with regular postage for legal mail.

15. Petitioner/Plaintiff seeks protection from Arbitrary Government action suggested in no# 13 above. Wolff v. McDonnell, 418 US 539, 94 S.Ct. 2963 (1974).

CONCLUSION:

According to D.O.C. Policy: DC-ADM 803, 2. Postage, a. Anticipated Postage: An inmate who has no money on his or her account shall be permitted to anticipate the deposit of funds into his or her account for legal mail only. (1). An inmate who immediately file a document with a court shall be permitted to mail legal documents to a court, attorney, or party to a law suit by sending a request to the Business Manager/designee and anticipate on his/her account for the cost of mailing such documents.

This D.O.C. Policy is to protect the rights of inmates who have to serve a court or parties to a lawsuit and is very clear for the respondent/defendants who have been named in this petition to understand. Upton v. S.E.C., 75 F 3d.92 (2nd Cir. 1996), U.S. v. Makowski, 120 F 3d, 1078 (9th Cir. 1997).

According to the D.O.C. Policy: DC-ADM 804 Inmate Grievance System Policy, IV. DEFINITION, N. Retaliation: An act of vengeance or threat of action taken against an inmate or staff in response to an inmate complaint of a problem. Examples include unnecessary discipline, intimidation, unnecessary changes in work programs assignments, unjustified transfers or placements, unjustified denials of privileges and services.

This D.O.C. Policy protects an inmate from acts that are mentioned therein and should be considered by all of the

employees, agents, officials, staff and administration. U.S. v. Guthrie, 789 F 2d 356 (5th Cir. 1986)

The First Amendment protects United States citizens the right to petition the Government for redress of grievances which also applies to enforcing and/or following all of the rules and regulations that are governed within the scope of any Government agency according to the U.S. Constitution of due process. Porter v. Singletary, 49 F.3d, 285 (7th Cir. 1995).

The Fourteenth Amendment protects All U.S. citizens equal protection of laws, nor shall any state deprive any person of life, liberty or property, without due process of law.

RELIEF SOUGHT:

Wherefore, for the foregoing reasons, this Honorable court is requested respectfully to grant the Petitioner/Plaintiff the following relief:

16. Petitioner/Plaintiff request an injunction to order the Department of Corrections to stop the retaliatory acts that are being imposed on him by the employees, agents, officials, staff and administration here at SCI-Houtzdale.

17. Petitioner/Plaintiff request an injunction to allow the court time to have an outside arbitrator investigate the many violations of the Petitioner/ Plaintiff's rights.

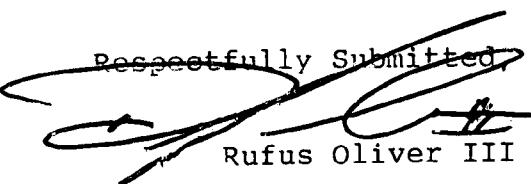
18. Petitioner/Plaintiff request to be reimbursed for all the money spent to bring this issue to the attention of the Department of Corrections in the Grievance process and in the court proceedings as well, once Respondent/Defendants are served even prior to the injunction being ordered by the court.

19. Petitioner/Plaintiff request that this court correspond

with Petitioner/Plaintiff in accordance with the DC-ADM 803, Inmate Mail and Incoming Publications Policy under section B. 2, e, f, g, h, & i, Privileged Correspondence.

20. Petitioner/Plaintiff request that there be no retaliation for the filling of this Petition for Review, to have the Court Order the Department of Corrections and its subordinates that are mentioned herein this petition, to issue a written apology to the Petitioner/Plaintiff.

Date: June 20, 2003
Under 18 Pa.C.S.A §4904
(unsworn statements)


Respectfully Submitted
Rufus Oliver III

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing Petition for Review upon the persons and in the matter indicated below, which service satisfies the requirement of Pa.R.A.P. 122:

mailed first class, certified, w/return receipt:
one (1) original & three (3) copies to:
Prothonotary Office of the
Commonwealth Court of Pennsylvania
Mr. Daniel R. Schuckers
6th Fl., S. Office Bldg.
Harrisburg, Pa 17120
Certified Mail Receipt No.7001 0320 0002 5021 2290

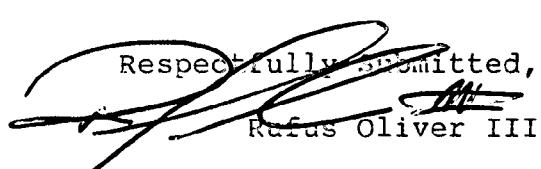
mail first class, certified, w/return receipt one copy to:

Superintendent Love SCI-Houtzdale P.O. Box 1000 Houtzdale, Pa 16698-1000 Certified Mail Receipt, No.7001 0320 0002 5021 2283	Office of the Attorney General 16th Fl. Strawberry Square Harrisburg, Pa 17120 Certified Mail Receipt, No.7001 0320 0002 5021 2276
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Mailroom Supervisor, Nancy Smith SCI-Houtzdale P.O. Box 1000 Houtzdale, Pa 16698-1000 Certified Mail Receipt, No.7001 0320 0002 5021 2269	Business Manager David Perry SCI-Houtzdale P.O. Box 1000 Houtzdale, Pa 16698-1000 Certified Mail Receipt, No.7001 0320 0002 5021 2252
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Date: June 20, 2003
Under 18 Pa.C.S.A. sec.4904
(unsworn statements)

Respectfully submitted,


Rufus Oliver III

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

03-1182-CD

RUFUS OLIVER III
(Plaintiff)

MOTION AND DECLARATION IN SUPPORT
OF MOTION TO PROCEED IN FORMA PAUPERIS

vs.
WILLIAM J. LOVE, ET. AL
(Defendant)

FILED
m 11:45
AUG 11 2003

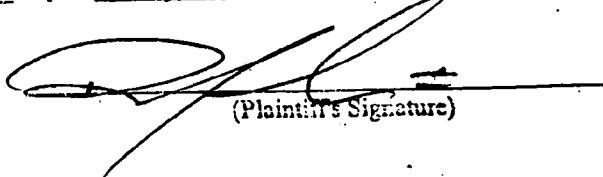
William A. Shaw
Prothonotary/Clerk of Courts

I, RUFUS OLIVER III, am the plaintiff in the above entitled case. In support of my motion for leave to proceed in forma pauperis I state that because of my poverty I am unable to pay the initial costs of said proceeding or to give security therefore and that I believe I am entitled to redress. In support of this motion I declare the following responses are true.

1. If you are receiving prison wages, state the amount \$35.00 A MONTH.
2. If you received within the past twelve months any money from any source, explain, and state the amount:
[Ms. Pearl Oliver / Edwards (Mother) \$124.77] [Ms. Monica Isom (Friend) \$70.00]
[Ms. Celeste Banks (Friend) \$20.00]
3. State the amount of money you have in a checking, savings or prison account N/A
4. Identify and state the value of any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing) which you own
N/A
5. List the persons who are dependent upon you for support; state your relationship to those persons; and indicate how much you contribute toward their support. N/A

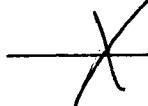
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13 day of JUNE 20 03.


(Plaintiff's Signature)

TO BE COMPLETED BY RECORDS OFFICER OF PRISON

1. The plaintiff presently has the sum of 14.64 on account at SCI Hattiesburg
(Name of Prison)



Attached is a copy of the plaintiff's institutional account indicating deposits and withdrawals during the preceding one year period or

(Indicate period covered by Account)

I cannot furnish the court with a copy of the plaintiff's institutional account indicating income and withdrawals because

The plaintiff has the following securities and other assets: (include any information you have regarding outside accounts, sources of income). None Known

Other information relevant to plaintiff's financial status or information that plaintiff's statements contained in his motion and declaration in support of motion to proceed in forma pauperis are not true. None Known

declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information and belief.

Signed this 16th day of June, 2003.

Christine Spencer
Signature and Title of Records Officer of Prison

Accounting Assistant

ORDER

Motion for leave to proceed in forma pauperis _____

United States District Judge -or-
United States Magistrate Judge

Date

PA DEPT: OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 13:49

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 6/16/2003
PAGE 1

INMATE NUMBER	NAME LAST RUFUS	FIRST OLIVER	MI	STARTING BALANCE
EA4811				11.77

BATCH #	DATE MO DY YEAR	TRANSACTION	DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6460	04-01-2002	38	INSIDE PURCHASES VENDACARD APRIL 1, 2002	-3.00	8.77
8092	04-02-2002	32	HOU COMMISSARY FOR 4/02/2002	-6.25	2.52
6567	04-10-2002	37	POSTAGE POSTAGE APRIL 10, 2002	-1.72	.80
6681	04-19-2002	37	POSTAGE POSTAGE CHARGES 4/19/02	-.57	.23
6713	04-23-2002	41	MEDICAL MEDICAL COPAY 4/18-23/02	-4.00	-3.77
6734	04-24-2002	41	MEDICAL MEDICAL COPAY 4/22-24/02	-2.00	-5.77
6748	04-25-2002	10	MAINTENANCE PAYROLL PAY GRP #2 3/15 - 4/14/02	12.35	6.58
6839	05-03-2002	38	INSIDE PURCHASES VENDACARD MAY 3, 2002	-2.00	4.58
6960	05-15-2002	13	PERSONAL GIFT FROM PEARL EDWARDS 304478	20.00	24.58
6960	05-15-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 05/15/02	-4.00	20.58
7015	05-20-2002	37	POSTAGE POSTAGE MAY 20, 2002	-2.64	17.94
8141	05-21-2002	32	HOU COMMISSARY FOR 5/21/2002	-2.80	15.14
7036	05-22-2002	13	PERSONAL GIFT FROM MAMICA ISAM 43731	50.00	65.14
7036	05-22-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 05/22/02	-10.00	55.14
7050	05-23-2002	10	MAINTENANCE PAYROLL PAY GR. #2 4/15 - 5/14/02	24.36	79.50
7050	05-23-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 05/23/02	-4.87	74.63
7096	05-29-2002	31	OUTSIDE PURCHASES CRESCENT IMPORTS (CHAIN, ETC)	-10.50	64.13
7093	05-29-2002	13	PERSONAL GIFT FROM MONICA ISON 109216	25.00	89.13
7093	05-29-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 05/29/02	-5.00	84.13
7143	06-03-2002	37	POSTAGE POSTAGE JUNE 3, 2002	-1.26	82.87
8155	06-04-2002	32	HOU COMMISSARY FOR 6/04/2002	-4.31	78.56
7178	06-05-2002	38	INSIDE PURCHASES VENDACARD JUNE 5, 2002	-5.00	73.56

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 13:49

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 6/16/2003
PAGE 2

INMATE NUMBER	NAME LAST EA4811	FIRST OLIVER	MI
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BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER AMOUNT TRANSACTION	
			YEAR	
7204	06-07-2002	41 MEDICAL MEDICAL COPAY 6/6/02	-2.00	71.56
7231	06-10-2002	37 POSTAGE POSTAGE JUNE 10, 2002	-2.41	69.15
8162	06-11-2002	32 HOU COMMISSARY FOR 6/11/2002	-14.34	54.81
7313	06-17-2002	37 POSTAGE POSTAGE JUNE 17, 2002	-1.26	53.55
8169	06-18-2002	32 HOU COMMISSARY FOR 6/18/2002	-13.61	39.94
7365	06-21-2002	10 MAINTENANCE PAYROLL PAY GR. #2 5/15 - 6/14/02	25.23	65.17
7365	06-21-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 06/21/02	-5.05	60.12
BALANCE AFTER THESE TRANSACTIONS----->				60.12

PA DEPT: OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 13:49

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN DATE 6/16/2003
PAGE 1

INMATE NUMBER	NAME	FIRST NAME	MI	STARTING BALANCE
EA4811	RUFUS	OLIVER		60.12

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8183	07-02-2002	32 HOU COMMISSARY FOR 7/02/2002	-8.73	51.39
7552	07-10-2002	31 OUTSIDE PURCHASES JACK L. MARCUS (SNEAKERS)	-48.25	3.14
7560	07-11-2002	13 PERSONAL GIFT FROM MONICA ISOM 735314	50.00	53.14
7560	07-11-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 07/11/02	-10.00	43.14
7613	07-15-2002	38 INSIDE PURCHASES VENDACARD JULY 15, 2002	-3.00	40.14
7615	07-15-2002	39 LEGAL FEES CA#02-160J INITIAL PMT00	-9.98	30.16
7740	07-26-2002	10 MAINTENANCE PAYROLL PAY GR. #2 6/15 - 7/14/02	13.92	44.08
7740	07-26-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 07/26/02	-2.78	41.30
7769	07-29-2002	37 POSTAGE POSTAGE JULY 29, 2002	-.60	40.70
7774	07-29-2002	38 INSIDE PURCHASES VENDACARD JULY 29, 2002	-5.00	35.70
7787	07-30-2002	13 PERSONAL GIFT FROM PEARL EDWARDS 948464	20.00	55.70
7787	07-30-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 07/30/02	-4.00	51.70
7842	08-02-2002	41 MEDICAL MEDICAL COPAY 7/30-8/1/02	-4.00	47.70
8218	08-06-2002	32 HOU COMMISSARY FOR 8/06/2002	-15.81	31.89
7888	08-06-2002	30 PERSONAL GIFT TO SANDRA LEE-GIFT	-7.00	24.89
7910	08-08-2002	37 POSTAGE POSTAGE AUG 8, 2002	-.23	24.66
7957	08-13-2002	38 INSIDE PURCHASES VENDACARD PURCHASE 8/13/02	-5.00	19.66
8225	08-13-2002	32 HOU COMMISSARY FOR 8/13/2002	-2.42	17.24
7973	08-14-2002	37 POSTAGE CHARGES: 8/14/02	-1.06	16.18
7985	08-15-2002	37 POSTAGE CHARGES: 8/15/02	-1.98	14.20
7985	08-15-2002	37 POSTAGE CHARGES: 8/15/02	-.60	13.60
12	08-19-2002	37 POSTAGE POSTAGE AUG 19, 2002	-.60	13.00

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INMATE NUMBER	NAME LAST EA4811	FIRST OLIVER	MI
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BATCH #	DATE MO DY YEAR			TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
	12	08-19-2002	37		POSTAGE POSTAGE AUG 19, 2002	-1.06
8232	08-20-2002	32	HOU COMMISSARY FOR 8/20/2002	-9.05	2.89	
32	08-20-2002	39	LEGAL FEES CA#02-160J 20% OF \$13.92	-2.78	.11	
32	08-20-2002	39	LEGAL FEES CA#02-160J 20% OF \$20.00	-4.00	-3.89	
61	08-23-2002	10	MAINTENANCE PAYROLL PAY GR.#2 7/15 - 8/14/02	25.52	21.63	
61	08-23-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 08/23/02	-5.10	16.53	
85	08-26-2002	37	POSTAGE POSTAGE 8/26/02	-2.90	13.63	
8239	08-27-2002	32	HOU COMMISSARY FOR 8/27/2002	-13.48	.15	
407	09-23-2002	39	LEGAL FEES CA#02-160J 20% OF \$25.52	-5.10	-4.95	
470	09-27-2002	10	MAINTENANCE PAYROLL PAY GR.#2 8/15 - 9/14/02	15.08	10.13	
470	09-27-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 09/27/02	-3.02	7.11	
BALANCE AFTER THESE TRANSACTIONS----->						7.11

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INMATE NUMBER	NAME LAST EA4811 RUFUS	FIRST OLIVER	MI	STARTING BALANCE 7.11
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER AMOUNT TRANSACTION	
523	10-01-2002	37 POSTAGE POSTAGE OCT 1, 2002	-1.06	6.05
8274	10-01-2002	32 HOU COMMISSARY FOR 10/01/2002	-.78	5.27
554	10-03-2002	37 POSTAGE POSTAGE OCT 3, 2002	-.60	4.67
588	10-07-2002	37 POSTAGE CHARGES: 10/7/02	-1.06	3.61
598	10-08-2002	13 PERSONAL GIFT FROM PEARL EDWARDS 955626	9.00	12.61
598	10-08-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 10/08/02	-1.80	10.81
598	10-08-2002	13 PERSONAL GIFT FROM PEARL EDWARDS 955625	20.77	31.58
598	10-08-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 10/08/02	-4.15	27.43
622	10-09-2002	37 POSTAGE CHARGES: 10/9/02	-1.06	26.37
640	10-10-2002	13 PERSONAL GIFT FROM MONICA AISHAH 954642	20.00	46.37
640	10-10-2002	50 ACT 84 TRANSACTION * 0206 1/1 9902 10/10/02	-4.00	42.37
670	10-15-2002	38 INSIDE PURCHASES VENDACARD OCT 15, 2002	-5.00	37.37
683	10-16-2002	37 POSTAGE POSTAGE OCT 15, 2002	-.23	37.14
8289	10-16-2002	32 HOU COMMISSARY FOR 10/16/2002	-26.09	11.05
401	10-17-2002	37 POSTAGE POSTAGE OCT 17, 2002	-.60	10.45
401	10-17-2002	86 ADJUST PAYMENT 37 ENTERED IN WRONG BATCH	.60	11.05
701	10-17-2002	37 POSTAGE POSTAGE OCT 17, 2002	-.60	10.45
727	10-21-2002	37 POSTAGE POSTAGE OCT 21, 2002	-.83	9.62
736	10-21-2002	39 LEGAL FEES CA#02-160J 20% OF \$15.08	-3.02	6.60
736	10-21-2002	39 LEGAL FEES CA#02-160J 20% OF \$9.00	-1.80	4.80
736	10-21-2002	39 LEGAL FEES CA#02-160J 20% OF \$20.77	-4.15	.65
736	10-21-2002	39 LEGAL FEES CA#02-160J 20% OF \$20.00	-4.00	-3.35

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INMATE NUMBER	NAME LAST	FIRST	MI
EA4811	RUFUS	OLIVER	

BATCH #	DATE			TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
	MO	DY	YEAR			
895	11-04-2002	37	POSTAGE POSTAGE NOV 11, 2002	-1.06	-4.41	
926	11-06-2002	37	POSTAGE POSTAGE NOV 6, 2002	-3.85	-8.26	
926	11-06-2002	37	POSTAGE POSTAGE NOV 6, 2002	-2.67	-10.93	
952	11-08-2002	10	MAINTENANCE PAYROLL PAY GR. #1 10/1 - 10/31/02	2.28	-8.65	
1037	11-15-2002	37	POSTAGE POSTAGE NOV 15, 2002	-1.06	-9.71	
1245	12-06-2002	10	MAINTENANCE PAYROLL PAY GR. #1 11/1 - 11/30/02	22.42	12.71	
1245	12-06-2002	50	ACT 84 TRANSACTION * 0206 1/1 9902 12/06/02	-4.48	8.23	
1359	12-13-2002	39	LEGAL FEES CA#02-160J 20% OF \$2.28	-.46	7.77	
1359	12-13-2002	39	LEGAL FEES CA#02-160J 20% OF \$22.42	-4.48	3.29	
8351	12-17-2002	32	HOU COMMISSARY FOR 12/17/2002	-1.60	1.69	
1461	12-23-2002	37	POSTAGE POSTAGE DEC 23, 2002	-8.00	-6.31	
1500	12-27-2002	41	MEDICAL MEDICAL CO-PAY 12/19-12/26/02	-2.00	-8.31	
1524	12-30-2002	37	POSTAGE CHARGES: 12/30/02	-1.29	-9.60	
BALANCE AFTER THESE TRANSACTIONS----->						-9.60

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INMATE NUMBER	NAME LAST EA4811	FIRST OLIVER	MI	STARTING BALANCE -9.60
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
1602	01-07-2003	37 POSTAGE POSTAGE JAN 7, 2003	-1.29	-10.89
1602	01-07-2003	37 POSTAGE POSTAGE JAN 7, 2003	-1.06	-11.95
1646	01-10-2003	10 MAINTENANCE PAYROLL PAY GR. #1 12/1 - 12/31/02	7.98	-3.97
1692	01-14-2003	37 POSTAGE POSTAGE JAN 14, 2003	-2.67	-6.64
1692	01-14-2003	37 POSTAGE POSTAGE JAN 14, 2003	-3.95	-10.59
1756	01-21-2003	37 POSTAGE 40STAGE JAN 21, 2003	-.60	-11.19
1756	01-21-2003	37 POSTAGE 40STAGE JAN 21, 2003	-2.67	-13.86
1900	02-04-2003	37 POSTAGE POSTAGE FEB 4, 2003	-2.44	-16.30
1914	02-05-2003	13 PERSONAL GIFT FROM CELESTE BANKS 952096	20.00	3.70
1938	02-06-2003	37 POSTAGE POSTAGE FEB 6, 2003	-.83	2.87
1938	02-06-2003	37 POSTAGE POSTAGE FEB 6, 2003	-1.06	1.81
1970	02-10-2003	37 POSTAGE POSTAGE FEB 10, 2003	-.60	1.21
1970	02-10-2003	37 POSTAGE POSTAGE FEB 10, 2003	-.23	.98
1970	02-10-2003	37 POSTAGE POSTAGE FEB 10, 2003	-.23	.75
2019	02-14-2003	10 MAINTENANCE PAYROLL PAY GR. #1 1/1 - 1/31/03	22.04	22.79
2019	02-14-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 02/14/03	-4.41	18.38
2040	02-18-2003	38 INSIDE PURCHASES VENDACARD FEB 18, 2003	-2.00	16.38
2052	02-19-2003	13 PERSONAL GIFT FROM PEARL EDWARDS 105873	50.00	66.38
2052	02-19-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 02/19/03	-10.00	56.38
8050	02-19-2003	32 HOU COMMISSARY FOR 2/19/2003	-16.31	40.07
2065	02-19-2003	39 LEGAL FEES CA#02-1605 20% OF \$7.98	-1.60	38.47
2065	02-19-2003	39 LEGAL FEES CA#02-1605 20% OF \$20.00	-4.00	34.47

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INMATE NUMBER	NAME	FIRST	MI
EA4811	RUFUS	OLIVER	

BATCH #	DATE MO DY YEAR	TRANSACTION	DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
2065	02-19-2003	39	LEGAL FEES CA#02-1605 20% OF \$22.04	-4.41	30.06
2088	02-21-2003	37	POSTAGE POSTAGE FEB 21, 2003	-3.95	26.11
8056	02-25-2003	32	HOU COMMISSARY FOR 2/25/2003	-19.22	6.89
8056	02-25-2003	32	HOU COMMISSARY FOR 2/25/2003	-1.32	5.57
2203	03-04-2003	37	POSTAGE POSTAGE MARCH 4, 2003	-1.29	4.28
2203	03-04-2003	37	POSTAGE POSTAGE MARCH 4, 2003	-1.06	3.22
8063	03-04-2003	32	HOU COMMISSARY FOR 3/04/2003	-4.88	-1.66
2301	03-12-2003	14	MISCELLANEOUS STALE CK SANDRA LEE	7.00	5.34
2324	03-13-2003	37	POSTAGE POSTAGE MARCH 13, 2003	-4.75	.59
2324	03-13-2003	37	POSTAGE POSTAGE MARCH 13, 2003	-4.75	-4.16
2324	03-13-2003	37	POSTAGE POSTAGE MARCH 13, 2003	-4.75	-8.91
2324	03-13-2003	37	POSTAGE POSTAGE MARCH 13, 2003	-3.95	-12.86
2325	03-13-2003	10	MAINTENANCE PAYROLL PAY GR.#1 2/1-2/28/03	22.80	9.94
2341	03-14-2003	37	POSTAGE POSTAGE MARCH 14, 2003	-3.95	5.99
2351	03-14-2003	31	OUTSIDE PURCHASES CLERK - US DIST CT (COPIES)	-3.00	2.99
2397	03-20-2003	10	MAINTENANCE PAYROLL MISSED GPI	7.60	10.59
2397	03-20-2003	50	ACT 84 TRANSACTION * 0206 1/1 9902 03/20/03	-1.52	9.07
2406	03-20-2003	38	INSIDE PURCHASES VENDACARD MARCH 20, 2003	-8.00	1.07
2442	03-24-2003	37	POSTAGE POSTAGE MARCH 24, 2003	-.83	.24
2442	03-24-2003	37	POSTAGE POSTAGE MARCH 24, 2003	-.83	-.59

BALANCE AFTER THESE TRANSACTIONS-----> -.59

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INMATE NUMBER	NAME LAST EA4811	FIRST OLIVER	MI	STARTING BALANCE -.59
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
2620	04-09-2003	37 POSTAGE POSTAGE APRIL 9, 2003	-1.06	-1.65
2654	04-11-2003	10 MAINTENANCE PAYROLL PAY GR.#1 3/1 - 3/31/03	44.16	42.51
2654	04-11-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 04/11/03	-8.83	33.68
2679	04-14-2003	37 POSTAGE POSTAGE APRIL 14, 2003	-1.29	32.39
2679	04-14-2003	37 POSTAGE POSTAGE APRIL 14, 2003	-1.52	30.87
8105	04-15-2003	32 HOU COMMISSARY FOR 4/15/2003	-5.74	25.13
2700	04-15-2003	39 LEGAL FEES CA#02-1605 20% OF \$22.80	-4.56	20.57
2700	04-15-2003	39 LEGAL FEES CA#02-1605 20% OF \$44.16	-8.83	11.74
2700	04-15-2003	39 LEGAL FEES CA#02-1605 20% OF \$7.60	-1.52	10.22
2727	04-17-2003	38 INSIDE PURCHASES VENDACARD APRIL 17, 2003	-10.00	.22
2770	04-22-2003	37 POSTAGE POSTAGE APRIL 22, 2003	-1.75	-1.53
8112	04-22-2003	32 HOU COMMISSARY FOR 4/22/2003	-.19	-1.72
2842	04-28-2003	37 POSTAGE POSTAGE APRIL 28, 2003	-3.85	-5.57
2955	05-07-2003	37 POSTAGE POSTAGE MAY 8, 2003	-.83	-6.40
2993	05-09-2003	10 MAINTENANCE PAYROLL PAY GR.#1 4/1 - 4/30/03	31.48	25.08
2993	05-09-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 05/09/03	-6.30	18.78
3030	05-13-2003	39 LEGAL FEES CA#02-160J 20% OF \$31.48	-6.30	12.48
8133	05-13-2003	32 HOU COMMISSARY FOR 5/13/2003	-15.42	-2.94
3047	05-14-2003	13 PERSONAL GIFT FROM PEARL OLIVER 200615	25.00	22.06
3047	05-14-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 05/14/03	-5.00	17.06
3067	05-15-2003	37 POSTAGE CHARGES: 5/15/03	-1.52	15.54
3067	05-15-2003	37 POSTAGE CHARGES: 5/15/03	-.60	14.94

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INMATE NAME
NUMBER LAST
EA4811 RUFUS

FIRST MI
OLIVER

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
3103	05-19-2003	37 POSTAGE CHARGES: 5/19/03	-1.06	13.88
3103	05-19-2003	37 POSTAGE CHARGES: 5/19/03	-1.29	12.59
3103	05-19-2003	37 POSTAGE CHARGES: 5/19/03	-.83	11.76
3108	05-19-2003	38 INSIDE PURCHASES VENDACARD PURCHASE 5/19/03	-10.00	1.76
3178	05-27-2003	37 POSTAGE POSTAGE CHARGES 5/27/03	-.83	.93
3178	05-27-2003	37 POSTAGE POSTAGE CHARGES 5/27/03	-1.75	-.82
3178	05-27-2003	37 POSTAGE POSTAGE CHARGES 5/27/03	-2.67	-3.49
3178	05-27-2003	37 POSTAGE POSTAGE CHARGES 5/27/03	-3.85	-7.34
3300	06-04-2003	12 BONUS PAYROLL BONUS PAYROLL - A UNIT TOURN	1.00	-6.34
3384	06-13-2003	10 MAINTENANCE PAYROLL PAY GR.#2 5/1 - 5/31/03	26.22	19.88
3384	06-13-2003	50 ACT 84 TRANSACTION * 0206 1/1 9902 06/13/03	-5.24	14.64
BALANCE AFTER THESE TRANSACTIONS----->				14.64

RUFUS OLIVER III
C/O EA4811
P.O. Box 1000
Houtzdale, Pa 16698-1000

Date: July 11, 2003

PROTHONOTARY OF THE CLEARFIELD
COUNTY COURT OF COMMON PLEAS
230 E. MARKET STREET
CLEARFIELD, PA 16830

IN RE: ORDER NO. 422 M.D. 2003, FROM THE COMMONWEALTH COURT
OF PENNSYLVANIA DATED JULY 7, 2003.

Dear Prothonotary:

On 6/30/03, I Petitioner, Rufus Oliver III, submitted a Petition for Review dated 6/20/03 to the Prothonotary's Office of the Commonwealth Court of Pennsylvania, for DC-ADM 804 Final Review to Grievance No. 46748 from a decision of the Department of Corrections.

The Commonwealth Court of Pennsylvania has Jurisdiction to review said Petition for Review Pursuant to 42 Pa. C.S. § 763 and authority to grant relief.

I Petitioner, Rufus Oliver III, received an Order from the Commonwealth Court of Pennsylvania dated 7/7/03 advising Petitioner that in his Petition for Review he failed to name the Commonwealth government or an officer thereof and because of this the Commonwealth Courts do not have original jurisdiction.

[See Exhibit A., Physically appended hereto].

Petitioner, Rufus Oliver III, has clearly identified the parties in his Petition for Review caption and in the body of the said Petition for Review and I Quote;

"Respondent/Defendant William J. Love, known as (Mr. William J. Love, Warden/Superintendent of SCI-Houtzdale), is a citizen of the United States and a resident of the Commonwealth of Pennsylvania. At all times relevant herein respondent/defendant was employed as a Warden/Superintendent of the State Correctional Institution SCI-Houtzdale, by the (COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS), with his address being: P.O. Box 1000, Houtzdale, Pa 16698".

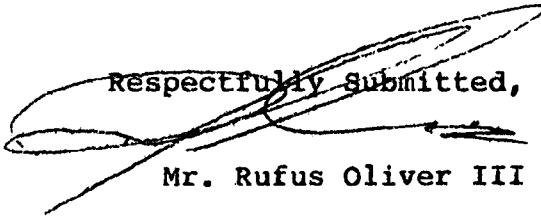
Petitioner did in fact name the Commonwealth government and employees of the Commonwealth [WILLIAM J. LOVE., et al.] in Petition for Review, which in turn gives the Commonwealth Court Jurisdiction over this matter.

Therefore, this matter is out of the Court of Common Pleas of Clearfield County's Jurisdiction and could not be considered an error (42 Pa. C.S. § 5103). Petitioner is requesting that

a thorough investigation be conducted and that Petitioners Petition for Review be transferred back to the Commonwealth Courts of Pennsylvania under the said jurisdiction pursuant to 42 Pa C.S. § 763, that is originally mentioned on Petitioners Petition for Review.

I am anticipating a status note from your office in response to this letter.

Respectfully Submitted,


Mr. Rufus Oliver III

cc: R.O. file

A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RUFUS OLIVER, III, :
Petitioner :
:
v.
:
WILLIAM J. LOVE et al., :
Respondents : No. 442 M.D. 2003

PER CURIAM

O R D E R

NOW, July 7, 2003, upon consideration of petitioner's petition for review, and it appearing that petitioner has failed to name the Commonwealth government or an officer thereof so as to vest this court with original jurisdiction, 42 Pa. C.S. §761; Mickens v. Jeffes, 453 A.2d 1092 (Pa. Cmwlth. 1983); Opie v. Glasgow, Inc., 375 A.2d 396, 398 (Pa. Cmwlth. 1977), this matter is transferred to the Court of Common Pleas of Clearfield County. 42 Pa. C.S. §5103.

The Chief Clerk shall transmit the record and certify a photocopy of the docket entries in this matter to the prothonotary of the Court of Common Pleas of Clearfield County.

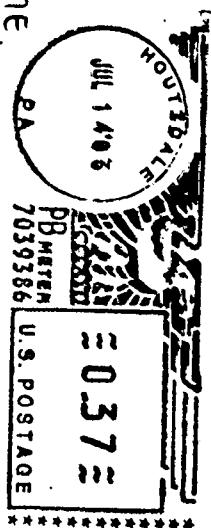
Certified from the Record

JUL - 8 2003

and Order Exit

NAME Elmer Oliver 3rd
NUMBER EA4811
P.O. BOX 1000
HOUTZDALE PA 16698-1000

PA DEPT OF CORRECTIONS
INMATE MAIL



The Prothonotary's OFFice of the
Clearfield County Court of COMMON PLEAS
230 E. Market St.
Clearfield, Pa 16830

Inmate Mail
PA Department of Corrections

1683042948 04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

RUFUS OLIVER, III, :
: Petitioner, :
: v. : No. 2003-1182-CD
: WILLIAM J. LOVE, et al., :
: Respondents. :
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Respondents William J. Love, Superintendent at SCI-Houtzdale; Nancy Smith, Mail Room Supervisor at SCI-Houtzdale; and David Perry, Business Manager at SCI-Houtzdale in the above-captioned action.

Respectfully submitted,

Office of General Counsel

By: 

Timothy A. Holmes
Assistant Counsel
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Attorney Id. No: 87758

FILED

SEP 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 26, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

RUFUS OLIVER, III, :
Petitioner, :
v. : No. 2003-1182-CD
WILLIAM J. LOVE, et al., :
Respondents. :
:

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Respondents' Praeclipe for Entry of Appearance was served upon the person(s) in the manner indicated below:

Service by first-class mail
addressed as follows:

Rufus Oliver, III EA-4811
SCI-Houtzdale
P. O. Box 1000
Houtzdale, PA 16698-1000


Deborah J. Bryan
Clerk Typist II
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: September 26, 2003

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

RUFUS OLIVER, III, :
Petitioner, :
v. : No. 2003-1182-CD
WILLIAM J. LOVE, et al., :
Respondents. :

RESPONDENTS' PRELIMINARY OBJECTIONS

Respondents, by and through their attorney, Timothy A. Holmes, Assistant Counsel for the Department of Corrections, in accordance with Pa. R.C.P. 1028(a), raise the following Preliminary Objections to Petitioner's Petition for Review. ("Petition").

1. Petitioner, Rufus Oliver, III, is an inmate currently incarcerated at the State Correctional Institution at Houtzdale ("SCI-Houtzdale"). See Petition, p. 1, Parties.
2. Respondents are William J. Love, Superintendent at SCI-Houtzdale; Nancy Smith, Mail Room Supervisor at SCI-Houtzdale; David Perry, Business Manager at SCI-Houtzdale; ("Respondents").
3. On July 1, 2003, Mr. Oliver filed his Petition with the Commonwealth Court.

FILED

SEP 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

4. On July 7, 2003, the Commonwealth Court found that Mr. Oliver failed to name the Commonwealth government or an officer thereof so as to vest the Commonwealth Court with original jurisdiction, 42 Pa. C.S. § 761, *Mickens v. Jeffes*, 453 A.2d 1092 (Pa. Cmwlth. 1983), *Opie v. Glasgow, Inc.*, 375 A.2d 396, 398 (Pa. Cmwlth. 1977) and transferred the Petition to the Court of Common Pleas of Clearfield County. 42 Pa. C.S. § 5103. *See* Commonwealth Court Order dated July 8, 2002.
5. In Mr. Oliver's Petition, he claims that, "he was denied access to the Federal Courts by not being allowed to anticipate postage for time critical legal mail on March 8, 2003." *See* Petition, ¶ 12.
6. Apparently, Mr. Oliver requested that he "be allowed to anticipate postage for time critical legal mail that was being sent to the United States District Courts Clerk's Office and to the Attorney Generals Office for the defendants to a law suit that [he] Petitioner/Plaintiff has against staff/administration here at SCI-Houtzdale." *See* Petition, ¶ 1.

PRELIMIARY OBJECTION

7. Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure provides that a Preliminary Objection may be filed for legal insufficiency of a pleading (demurrer). *See* Pa.R.C.P. 1028(a)(4).

8. When a Respondent files a demurrer to a Petition for Review, the Respondent admits all well-pleaded allegations of fact and all inferences fairly deducible therefrom. *Reardon v. Wilbur*, 441 Pa. 551, 272 A.2d 888 (1971).
9. In a demurrer, however, the Respondent does not admit to conclusions of law or unjustified inferences that may appear in the petition for review. *Raynovich v. Romanus*, 450 Pa. 391, 229 A.2d 301 (1973).
10. In *Lewis v. Casey*, a case involving a class action on behalf of prisoners in Arizona, the prisoners alleged that they were denied access to courts because their library was inadequate. The Supreme Court held that to pursue a claim of denial of access to the courts an inmate must allege actual injury, such as the loss or rejection of a legal claim. *See Lewis v. Casey*, 518 U.S. 343, 116 S.Ct. 2174 (1996).
11. In *Oliver v. Fauver*, another case involving an inmate's access to courts, the United States Court of Appeals for the Third Circuit held that an inmate must demonstrate that the alleged shortcomings hindered his efforts to pursue a legal claim. *See Oliver v. Fauver*, 118 F.3d 175, 178 (3d Cir. 1997).
12. In Mr. Oliver's case he has not alleged any actual injury. He has alleged that, "he was denied access to the Federal Courts by not being

allowed to anticipate postage for time critical legal mail on March 8, 2003.” *See Petition*, ¶ 12. He also alleged that, Apparently, Mr. Oliver requested that he had “time critical legal mail that was being sent to the United States District Courts Clerk’s Office and to the Attorney Generals Office for the defendants to a law suit that [he] Petitioner/Plaintiff has against staff/administration here at SCI-Houtzdale.” *See Petition*, ¶ 1. Neither of these allegations indicates that Mr. Oliver suffered any actual injury.

13. As Mr. Oliver’s filing of his current Petition indicates, he has access to courts; therefore, based upon the foregoing cases and Mr. Oliver’s Petition, his allegation that he has been denied access to courts is entirely without merit and should be dismissed with prejudice.

PRELIMINARY OBJECTION

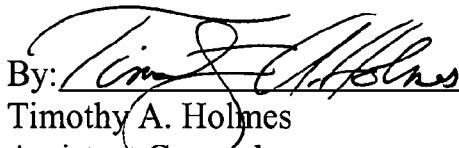
14. Paragraphs 7-9 are incorporated by reference.
15. To the extent that Mr. Oliver challenges the constitutionality of the Department of Corrections’ policy regarding his anticipation of postage, that challenge is entirely without merit as well.
15. In *Bronson v. Horn*, the Commonwealth Court decided a case involving the Department of Corrections’ Administrative Directive of limiting to \$10 a month the amount that the Department would place

in an inmate account for legal mailings (the same amount in Mr. Oliver's case). *See Bronson v. Horn*, 20003 WL 22004534 *1 (Pa.Cmwlth. 2003).

16. Bronson had claimed that the directive deprived him access to the courts, in violation of the First and Fourteenth Amendments to the United State Constitution (the same violations that Mr. Oliver claims).
See id.
17. The Commonwealth Court held that the evidence in Bronson's case established a rational connection between the regulation and a legitimate neutral governmental interest. It does so because it permits court access, limits the funds advanced equally for each indigent inmate, and holds a line on taxpayer monies employed for this purpose. *See id.*
18. The facts of *Bronson* and this case are extremely similar; therefore, this Court should reach the same conclusion as the Commonwealth Court and find that the Respondents did not violate Oliver's First or Fourteenth Amendment rights.

WHEREFORE, the Respondents respectfully request that their Preliminary Objection be sustained and that this Court dismiss the Petition with prejudice and the Court is further requested to grant such other relief as may be necessary, just, and appropriate under the circumstances.

Respectfully submitted,
Office of General Counsel

By: 

Timothy A. Holmes
Assistant Counsel
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, Pa 17011
(717) 731-0444
Attorney Id. No. 87758

Dated: September 26, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

RUFUS OLIVER, III,

Petitioner,

v.

No. 2003-1182-CD

WILLIAM J. LOVE, et al.,

Respondents.

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Respondents' Preliminary Objections was served upon the person(s) in the manner indicated below:

Service by first-class mail
addressed as follows:

Rufus Oliver, III EA-4811
SCI-Houtzdale
P. O. Box 1000
Houtzdale, PA 16698-1000


Deborah J. Bryan

Clerk Typist II
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: September 26, 2003

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01182-CD

Rufus Oliver III

Vs.

William J. Love
Nancy Smith
David Perry

FILED

NOV 05 2007

BS
William A. Shaw
Prothonotary/Clerk of Courts
AK

Dear Rufus Oliver, III:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

Daniel J. Nelson
Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01182-CD

Rufus Oliver III

Vs.

William J. Love
Nancy Smith
David Perry

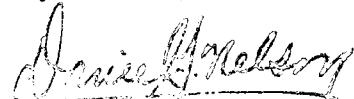
Dear Timothy A. Holmes, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

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If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

03-1182-CD

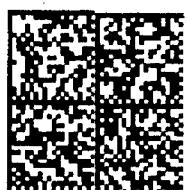
WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830



FILED

NOV 13 2007

William A. Shaw
Prothonotary/Clerk of Courts



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US POSTAGE

Rufus Oliver III
CX-7073
PO Box 1000
Houtzdale, PA

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RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

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Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01182-CD

Rufus Oliver III

Vs.

William J. Love
Nancy Smith
David Perry

Dear Rufus Oliver, III:

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If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

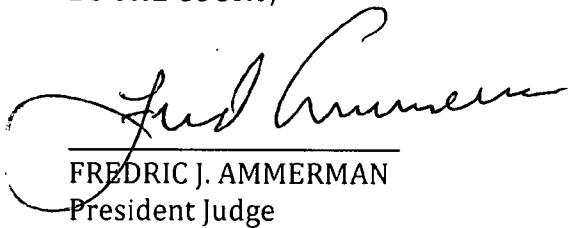
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUFUS OLIVER, III * NO. 2003-1182-CD
Plaintiff *
vs. *
WILLIAM J. LOVE, NANCY SMITH and *
DAVID PERRY, *
Defendants *
*
*

ORDER

NOW, this 28th day of February, 2013, upon the Court's review of the docket and noting no activity for a period of over nine years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 1CC A44
01/8/2013 T. Holmes
1:30 PM 2013

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

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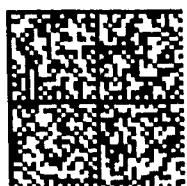
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William A. Shaw
Prothonotary/Clerk of Courts

Timothy Horns Esq
55 Utley Drive
Camp Hill PA 17011

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



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03/04/2013
Mailed From 16830
US POSTAGE

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

Atty T. Holmes
55 Cutley Dr. Camp Hill
PA
17011

RUFUS OLIVER, III

Plaintiff

vs.

WILLIAM J. LOVE, NANCY SMITH and

DAVID PERRY,

Defendants

* NO. 2003-1182-CD

*

*

*

*

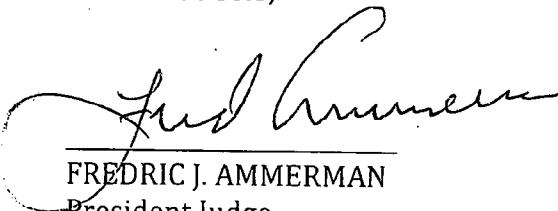
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ORDER

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BY THE COURT,

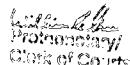

FREDRIC J. AMMERMAN

President Judge

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

MAR - 4 2013

Attest,


Prothonotary/
Clerk of Courts