

2003-1698-CD
KENDALL GARLAND

VS

SCT HOUTZDALE/TOM SHORTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

Kendall Garland

v

SCI Houtzdale, Pa. Department
of Corrections, Tom Shorts-
SCI Houtzdale Librarian, and
Commonwealth of Pennsylvania

Complaint

ORIGINAL
w/ COMPLAINT &
APPLICATION FOR
FEES & COSTS
TO CJA

Application To Proceed In Forma Pauperis

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner and plaintiff in the above captioned matter, Kendall Garland, hereby applies to this Honorable Court for permission to proceed in forma pauperis.

1. Petitioner is incarcerated at SCI Houtzdale, and has no adequate means of support.
2. Petitioner is indigent with no assets except for \$5.00 in his prison trust fund account.
3. Petitioner is unemployed.
4. Petitioner cannot afford to pay for filing fees, duplicates and other costs.
5. Attached is the petitioner's verified statement.

Wherefore it is respectfully requested that this Honorable Court grant petitioner permission to proceed in forma pauperis.

Respectfully Submitted,



Kendall L. Garland

FILED

NOV 13 2003

William A. Shaw
Prothonotary

Date: 11/14/2003

Clearfield County Court of Common Pleas

NO. 1869096

Time: 10:18 AM

Receipt

Page 1 of 1

Received of: Garland, Kendall (plaintiff)

\$ 0.00

Zero and 00/100 Dollars

Case: 2003-01698-CD

Plaintiff: Garland, Kendall

Amount

IFP Petition

0.00

Total:

0.00

Payment Method: Cash

William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

Clerk: BILLSHAW
Duplicate



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

CA

me
mang
12/29/07

Kendall Garland

Complaint

SCI Houtzdale, Pa. Department
of Corrections, Tom Shorts-
SCI Houtzdale Librarian, and
Commonwealth of Pennsylvania

2003-1698-CD

Application To Proceed In Forma Pauperis

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner and plaintiff in the above captioned matter, Kendall Garland, hereby applies to this Honorable Court for permission to proceed in forma pauperis.

1. Petitioner is incarcerated at SCI Houtzdale, and has no adequate means of support.
2. Petitioner is indigent with no assets except for \$5.00 in his prison trust fund account.
3. Petitioner is unemployed.
4. Petitioner cannot afford to pay for filing fees, duplicates and other costs.
5. Attached is the petitioner's verified statement.

Wherefore it is respectfully requested that this Honorable Court grant petitioner permission to proceed in forma pauperis.

Respectfully Submitted,

Kendall L. Garland

FILED

NOV 13 2003

m/ 10:30/400
William A. Shaw
Prothonotary
NO CERT.

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

Kendall Garland

v.

Complaint

SCI Houtzdale, Pa. Department
of Corrections, Tom Shorts -
SCI Houtzdale Librarian, and
Commonwealth of Pennsylvania

IFP Verified Statement

Kendall Garland, petitioner and plaintiff in the above captioned matter states under penalties provided by 18 Pa. C.S. §4904 that:

Because of my financial condition, I am unable to pay the following fees and costs:

1. retention of counsel; filing fees
2. costs of reproduction of records and transcripts
3. other fees associated with this civil rights claim for relief

The following statements relating to my ability to pay the fees and costs of filing this action, prosecuting an appeal, or other costs are true and correct to the best of my knowledge and belief:

1. I am not presently employed
2. I have only received an average monthly income of not more than \$18/month within the past 12 months.
3. I have no cash or savings outside of \$5.00 in my prison account, nor do I own any real estate, stocks, bonds or other valuable property.
4. I have approximately \$5.00 in my prison account.

I understand that a false statement in this verified statement will subject me to the penalties provided by law.

Respectfully Submitted,



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

CA
Per
Murray
12/29/03

Kendall Garland

v.

Complaint

SCI Houtzdale, Pa. Department
of Corrections, Tom Shorts—
SCI Houtzdale Librarian, and
Commonwealth of Pennsylvania

Application To File Fewer Copies

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff and Petitioner, Kendall Garland, Pro Se, respectfully requests permission to file (1) original and (0) copies of all documents contained herein. The plaintiff sets forth that:

1. The plaintiff has enclosed an application to proceed in forma pauperis with this civil rights action.
2. The plaintiff is currently indigent, with no savings (\$5.00 in prison trust fund account) or adequate means of support and has been granted In Forma Pauperis status in another civil rights action in the U.S. District Court for the Middle District of Pennsylvania (case: 3:03-cv-01599).

Wherefore, it is respectfully requested that this Honorable Court enter an Order allowing the plaintiff to file (1) original and (0) copies of the enclosed documents.

11/9/03

Respectfully Submitted,


Kendall L. Garland
Plaintiff - Pro Se

IN THE COURT OF COMMON PLEAS-OF CLEARFIELD COUNTY

CIVIL DIVISION

Kendall Garland

Complaint

SCI Houtzdale, Pa. Department
of Corrections, Tom Shanks -
SCI Houtzdale Librarian, and
Commonwealth of Pennsylvania

Notice To Defend

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any claimed in the complaint or for other relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

Kendall Garland

v.

Complaint: Action sounding

SCI Houtzdale, Pa.

in § 1983 and Equity

Department of Corrections,

Jury Trial Demanded

Tom Shorts - SCI Houtzdale

Librarian, and Commonwealth

of Pennsylvania

Preliminary Statement:

This is a civil rights action filed by Kendall Garland, a state prisoner for compensatory damages and declaratory judgments against the named defendants for violations of the plaintiff's rights of access to the courts.

FACTS

1. On or about January 23, 2003, the plaintiff petitioned the Court of Common Pleas of Philadelphia County for the transcripts from his criminal proceedings (CP010810426) and discovery materials.

2. The petitions were defective in format.

3. Because the SCI Houtzdale Law Library (the legal assistance facility where the plaintiff was incarcerated over the events described in this complaint) contains no adequate example or sample forms for filing a petition to the courts, the plaintiff had no idea of the correct format of a petition.

4. These first two petitions were ignored and never responded to.

5. On or about February 18, 2003, the plaintiff filed a second petition to the Court, amending the previous petition and adding more information on the petition (In fact some of the information supplied, like the SSN on the petition was excessive).

6. At some point between February and early March of 2003, the plaintiff also sent a petition to the Court of Common Pleas of Philadelphia County for transcripts of another case (criminal case # CP9911/0395).

7. Neither petitions for the transcripts of the proceedings requested contained an adequate format (mainly caption although there were other errors in format).

8. With respect to the petition requesting transcripts for criminal case CP0108/0426, the plaintiff did receive a response to the second petition.

9. The response stated that the transcripts were not on file and discovery was not part of the Clerk of Courts.

10. The petition requesting transcripts from criminal case # CP9911/0395 was ignored.

11. In April of 2003, the plaintiff sent another petition to the courts, requesting transcripts for criminal case # CP9911/0395, which was granted.

12. The plaintiff received transcripts for criminal case # CP9911/0395 on or about May 19, 2003.

13. Because the plaintiff's petitions were dismissed with respect to the original requests for transcripts for both cases

due to an inadequacy of the SCI Houtzdale prison law library which the plaintiff could not have known he is respectfully requesting relief in this Honorable Court in the form of:

A: A declarative judgement stating that because of the inadequacies of the SCI Houtzdale Law Library in not having adequate sample forms for filing petitions to the courts, the plaintiff incurred a tangible delay in actually challenging his conviction for criminal case CP9911/0395 by at least the time it took to ascertain the format error described in this complaint.

B: A declarative judgement stating that because of the inadequacies of the SCI Houtzdale Law Library in not having adequate sample forms for filing petitions to the courts, The plaintiff incurred an intangible delay in researching and pursuing relief for criminal case CP0108/0426.

C: Compensatory Damages in the amount of \$7,500.00 against all defendants named in this complaint for violating the plaintiff's rights of access to the courts by not having adequate sample forms for petitioning the courts in the SCI Houtzdale Law Library.

D: Compensatory damages in the amount of \$5,000.00 against defendants Commonwealth of Pennsylvania, Pa. Department of Corrections and SCI Houtzdale for being negligently indifferent to the plaintiff's rights of access to the courts by creating policies which allow the conditions described in this complaint to exist.

E: Compensation for any court costs and attorney fees incurred by the plaintiff in association with filing and prosecuting this claim for relief.

F. Any other relief as it appears to this Honorable Court that the plaintiff is entitled.

14. The plaintiff sets forth that the facts and claims set forth in this complaint are true and correct to the best of the plaintiff's personal knowledge, information and belief and enters his signature below confirming.

11/10/03

Respectfully Submitted,



KENDALL L. GARLAND, PLAINTIFF - PRO SE

FB6020

SCI HOUTZDALE

PO BOX 1000

Houtzdale, PA 16898-1000

Defendants SCI Houtzdale and Mr. Tom Shorts may be served at:

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16898-1000

Defendants Pennsylvania Department of Corrections and Commonwealth of Pennsylvania may be served at:

Commonwealth of Pennsylvania Department of Corrections

PO Box 598

Camp Hill, PA 17001-0598

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

KENDALL GARLAND

:

VS.

:

No. 2003-1698-CD

SCI-HOUTZDALE, PA DEPARTMENT :

OF CORRECTIONS, TOM SHORTS- :

SCI-HOUTZDALE LIBRARIAN AND :

COMMONWEALTH OF PENNSYLVANIA :

FILED

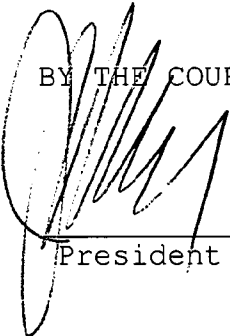
DEC 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 29th day of December, 2003, upon
consideration of Petitioner's Application to Proceed In
Forma Pauperis and Application to File Fewer Copies; the
Court noting that the Court lacks appropriate
jurisdiction over this matter, it is the ORDER of this
Court that said Application to Proceed In Forma Pauperis
and Application to File Fewer Copies be and is hereby
denied.

BY THE COURT,



President Judge

FILED
DEC 29 2003

1 CC P134 & 1 CC
C/O SCI-Tom Shorts -
C/O SCI Houtzdale

William A. Shaw
Prothonotary/Clerk of Courts
Acc PA Dept. of Correction
Comm. of PA - PO Box 598, Camp Hill

RECEIVED
PROTHONOTARY'S OFFICE

1-7-04

WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

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

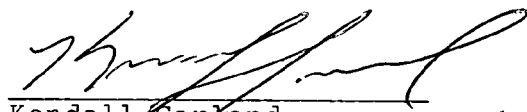
Kendall Garland :
v. : No. 2003-1698-CD
SCI Houtzdale, et. at. :

Application For Reconsideration Of Order

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner and plaintiff, Kendall Garland, hereby respectfully requests that this Honorable Court reconsider the order entered on the 29th Day of December, 2003 denying the plaintiff permission to proceed In Forma Pauperis and this Honorable Court's judgement noting lack of jurisdiction.

Respectfully Submitted,


Kendall Garland
Plaintiff, Pro se

FILED

JAN 07 2004 
m/j 3/2004
William A. Shaw
Prothonotary
no C/C

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

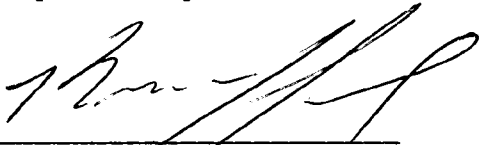
Kendall Garland :
v. : No. 2003-1698-CD
SCI Houtzdale, et. al. :

RECEIVED
PROTHONOTARY'S OFFICE
1-7-04
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

Application For Leave To Amend Complaint Filed
TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner and plaintiff in the above captioned matter hereby respectfully requests permission to amend the complaint filed regarding the above captioned matter. The plaintiff respectfully requests that he be allowed to amend the action filed.

Respectfully Submitted,



Kendall Garland
Plaintiff, Pro Se

FILED

JAN 07 2004 *(initials)*
w/3:00/c
William A. Shaw
Prothonotary
w/c/c

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

Kendall Garland :
v. : No. 2003-1698-CD
SCI Houtzdale, et. al. :

RECEIVED
PROTHONOTARY'S OFFICE
6-7-04
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

Application To File One Original Of Enclosed Documents
TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner and plaintiff, Kendall Garland, pro se, hereby respectfully requests permission to file one original of all enclosed documents for the following reasons:

1. Petitioner is indigent at the present time with no adequate savings or income.
2. Petitioner is currently without funds to make photocopies or the typing paper required to make copies of all documents enclosed.
3. Petitioner respectfully requests that this Honorable Court allow the petitioner to file just one original of all enclosed documents.

WHEREFORE, the petitioner respectfully requests that this Honorable Court enter an order allowing the petitioner to file just one original of all enclosed documents.

Respectfully Submitted,


Kendall Garland
Petitioner, Pro Se

FILED

JAN 07 2004 
m/z:aw/c
William A. Shaw
Prothonotary
w/c

CLEARFIELD COUNTY
OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY

DAVID S. AMMERMAN
SOLICITOR



BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

January 9, 2004

Kendall Garland
FB 6020
P.O. Box 1000
Houtzdale, PA 16698-1000

Dear Mr. Garland,

Please resubmit your Notice of Appeal according to the Rules of Civil Procedure along with payment of \$45.00 to Prothonotary and a check payable to Superior Court, in the amount for \$60.00.

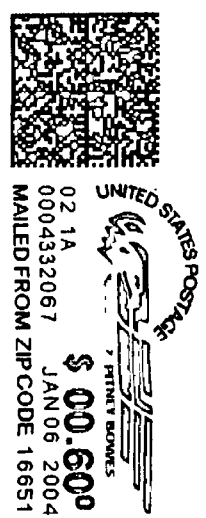
Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosure

NAME Kendall Garland
NUMBER F86020
P.O. BOX 1000
HOUTZDALE PA 16698-1000

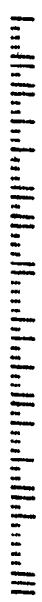
PA Dept of Corrections
Inmate Mail



Prothonotary and Clerk of Courts
PO Box 549
Clearfield, Pennsylvania 16830

Inmate Mail
PA Department of Corrections

16630+0549 05



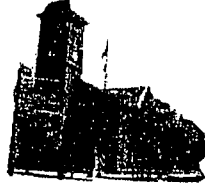
CLEARFIELD COUNTY

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY

DAVID S. AMMERMAN
SOLICITOR



BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

2003-1698-cn

February 3, 2004

Kendall Garland
FB-6020
P.O. Box 1000
Houtzdale, PA 16698-1000

Dear Mr. Garland:

Please resubmit your notice of appeal according to Rules of Civil Procedures,
Rules of Appellate Procedures, 904 and 905.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. A. Shaw', is written over a horizontal line.

William A. Shaw
Prothonotary/Clerk of Courts

Enclosure

Put in files

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

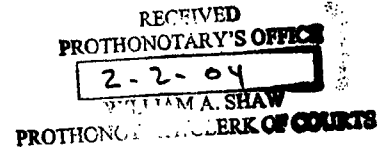
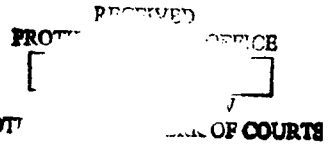
Kendall Garland

v.

SCI Houtzdale, et. al.

:

: No. 2003-1698-CD



Notice of Appeal

TO THE HONORABLE JUDGE OF SAID COURT:

Notice is hereby given that Kendall Garland, plaintiff in the above captioned matter hereby appeals to the Superior Court of Pennsylvania from the order entered in this matter on the 29th Day of December, 2003 denying the plaintiff's Application to Proceed In Forma Pauperis, Application To File Fewer Copies and the order noting that the Court lacked appropriate jurisdiction over the matter complained of in the complaint.

Respectfully Submitted,



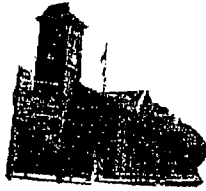
Kendall Garland
Plaintiff, Pro Se

CLEARFIELD COUNTY

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

DAVID S. AMMERMAN
SOLICITOR



JACKI KENDRICK
DEPUTY PROTHONOTARY

BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

2003-1698-CN

March 16, 2004
~~February 3, 2004~~

Kendall Garland
FB-6020
P.O. Box 1000
Houtzdale, PA 16698-1000

Dear Mr. Garland:

Please resubmit your notice of appeal according to Rules of Civil Procedures,
Rules of Appellate Procedures, 904 and 905.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosure

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

Kendall Garland

v.

SCI Houtzdale, et. al.

:

:

:

No. 2003-1698-CD

RECEIVED
PROTHONOTARY'S OFFICE
[3-16-04]

PROTHONOTARY'S OFFICE
CLERK OF COURT

RECEIVED
PROTHONOTARY'S OFFICE
2-2-04
WILLIAM A. SHAW
PROTHONOTARY CLERK OF COURTS

Notice of Appeal

TO THE HONORABLE JUDGE OF SAID COURT:

Notice is hereby given that Kendall Garland, plaintiff in the above captioned matter hereby appeals to the Superior Court, Pennsylvania from the order entered in this matter on the 29th Day of December, 2003 denying the plaintiff's Application to Proceed In Forma Pauperis, Application To File Fewer Copies and the order noting that the Court lacked appropriate jurisdiction over the matter complained of in the complaint.

Respectfully Submitted,



Kendall Garland
Plaintiff, Pro Se