

06-332-CD

Kendall Garland vs Cpt Rydom et al



PENNSYLVANIA DEPARTMENT OF CORRECTIONS
GOVERNOR'S OFFICE OF GENERAL COUNSEL
55 UTLEY DRIVE
CAMP HILL, PENNSYLVANIA 17011
(717) 731-0444

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NUMBER OF PAGES, INCLUDING COVER SHEET: 2

HARD COPY TO FOLLOW: YES NO

DATE: June 2, 2006

SENT TO:

FAX NUMBER: 814-765-7659

NAME: Prothonotary

DEPARTMENT / COMPANY: Clearfield Court of Common Pleas

URGENT: X YES NO

MESSAGE:

Please see attached letter.

SENT FROM:

FAX NUMBER: 717-975-2217

NAME: Heidi Miller



PENNSYLVANIA DEPARTMENT OF CORRECTIONS
GOVERNOR'S OFFICE OF GENERAL COUNSEL
55 UTLEY DRIVE
CAMP HILL, PENNSYLVANIA 17011
(717) 731-0444

June 2, 2006

VIA FACSIMILE (814) 765-7659
Prothonotary Office
Clearfield County Court of Common Pleas
PO Box 549
Clearfield, Pennsylvania 16830-0549

RE: Copy of Order

Dear Prothonotary:

I am writing to obtain a copy of the following order. Please contact me at (717) 731-0444 with the cost to obtain the copy.

Kendall Garland v. Cpt. Rydbom, 2006-00332-CD

- Order dated 2-28-2006 signed by Judge Ammerman dismissing case and denying IFP.

If you have any questions concerning this request, please contact me at (717) 731-0444.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Miller".

Heidi Miller
Legal Assistant

HKM/hkm

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

Clearfield County Courthouse

Fax

To: Heidi Miller

From: William A. Shaw 

Fax: 717-975-2217

Date: June 2, 2006

Phone: 717-931-0444

Pages: 4

Re: 2006-332-CD

CC:

☒ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

•**Comments:**

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

KENDALL GARLAND,
Plaintiff

vs.

CPT. RYDBOM, et al,
Defendants

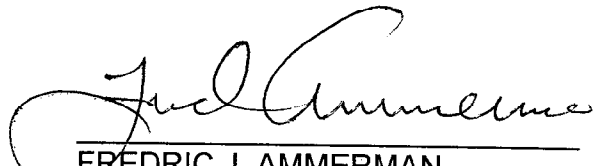
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NO. 06-332 - CD

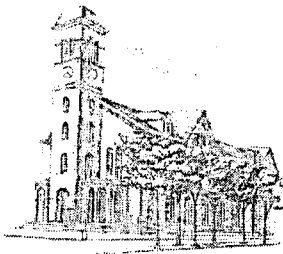
ORDER

NOW, this 28th day of February, 2006, the Court being in receipt of the Application to Proceed In Forma Pauperis and the "Complaint" presented by Kendall Garland against various employees of the State Correctional Institution at Houtzdale; the Complaint failing to setforth a cause of action upon which relief can be granted; it is the ORDER of this Court that the Application to Proceed In Forma Pauperis be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 2CC WJFF
014:00394
MAR 02 2006
Series 1448
to Piff
William A. Shaw
Prothonotary/Clerk of Courts



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

March 2, 2006

Kendall Garland
FB 6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698

RE: Civil Complaint

Dear Mr. Garland:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

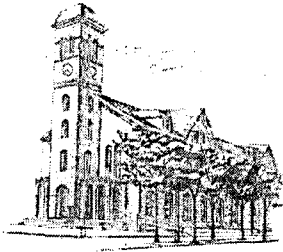
You may proceed with this action by filing the enclosed Civil Complaint along with the \$85.00 filing fee with this office.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures



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

 COPY

March 21, 2006

Kendall Garland
FB 6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698

Re: Kendall Garland vs. Cpt. Rydbom
Case No. 06-332-CD

Dear Mr. Garland:

Please be advised that the action you filed in the above matter has been stricken effective March 21, 2006. You may not proceed with this action without good cause from the court.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

FILED *BRH*
018:48/64
MAR 21 2006
Letter to DFF

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

Kendall Garland

06-332-CD

v.
Cpt. Rydbom, et al.

; Cmwlth Ct. No. 50 M.D. 2006

Application To Proceed In Forma Pauperis

Plaintiff in the above captioned matter, Kendall Garland,
respectfully requests permission to proceed in forma pauperis. Plaintiff
certifies that he is unable to pay for the costs of this proceeding.

Respectfully Submitted,

Kendall L. Garland

Kendall Garland
Plaintiff, Pro Se
2/23/2006

FILED ^{NO} CC.
MAR 02 2006
m14:0006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, et al.

:
:
: Cmwlth Ct. No. 50 M.D. 2006

IFP Verified Statement

1. Plaintiff in the above captioned matter, Kendall Garland, sets forth that because of my financial condition, I am unable to pay the fees and costs for this action.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the cost of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:
 - a) My name is Kendall Garland and my address is as follows:
FB6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16690-1000
 - b) I am not presently employed
 - c) I have no other income within the past 12 months.
 - d) I am presently incarcerated at SCI Houtzdale.
 - e) I do not own any other valuable property including any stocks, bonds, CD's real estate or cash in any savings or checking accounts.
 - f) I have no other debts or obligations.
 - g) There are no persons dependent upon me for support.
4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs of this proceeding.
5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. section 4904.

2/23/06

Respectfully Submitted,

Kendall R. Garland

Kendall Garland
Plaintiff, Pro Se

6 -

6A

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

KENDALL GARLAND,
Plaintiff

vs.

CPT. RYDBOM, et al,
Defendants

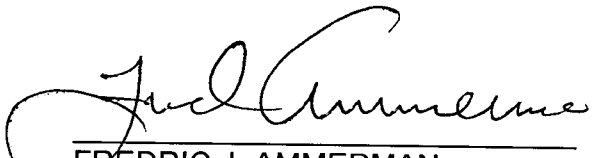
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NO. 06-332 - CD

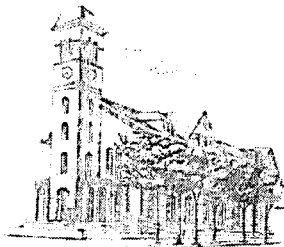
ORDER

NOW, this 28th day of February, 2006, the Court being in receipt of the Application to Proceed In Forma Pauperis and the "Complaint" presented by Kendall Garland against various employees of the State Correctional Institution at Houtzdale; the Complaint failing to setforth a cause of action upon which relief can be granted; it is the ORDER of this Court that the Application to Proceed In Forma Pauperis be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 2cc WIFF
014:00394
MAR 02 2006
Dened letter
to Piff
William A. Shaw
Prothonotary/Clerk of Courts



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

March 2, 2006

Kendall Garland
FB 6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698

RE: Civil Complaint

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A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures



Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

March 3, 2006

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

TO:

06-332-cv

RE: Garland v. Rydbom et al
No.50 MD 2006

Trial Court/Agency Dkt. Number: FB-6020
Trial Court/Agency Name: Department of Corrections

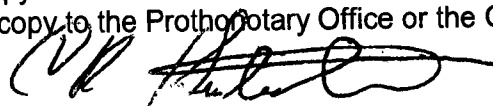
Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572
is the entire record for the above matter.

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

3-6-06

Date

FILED (12)

MAR 06 2006

William A. Shaw

Prothonotary/Clerk of Courts

copy to

comm. court

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Kendall Garland, :
Petitioner : 06-332-CD
v. :
Cpt. Rydbom, Sgt. Stone, C. Mitchell :
(Hearing Examiner), SCI-Houtzdale, :
Superintendant Patrick and John Doe :
(RHU official responsible for providing :
RHU inmates access to the courts), :
Respondents : No. 50 M.D. 2006

PER CURIAM

O R D E R

NOW, February 7, 2006, 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); and it further appearing that petitioner seeks money damages from respondents for an alleged violation of petitioner's constitutional rights, and it further appearing that this court lacks jurisdiction over tort actions for money damages whether based on common law trespass or 42 U.S.C. §1983 because such actions are in the nature of trespass in that they seek money damages as redress for an unlawful injury and are properly commenced in the court of common pleas, see Fawber v. Cohen, 516 Pa. 353, 532 A.2d 429 (1987); Balshy v. Rank, 507 Pa. 384, 490 A.2d 415 (1985); 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

FEB 8 2006

and Order Exit

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania**

Docket Number: 50 MD 2006
Page 1 of 4
March 3, 2006



Kendall Garland,
Petitioner

v.

Cpt. Rydbom, Sgt. Stone, C. Mitchell
(Hearing Examiner), SCI-Houtzdale,
Superintendent Patrick and John Doe
(RHU official responsible for providing
RHU inmates access to the courts),
Respondents

Initiating Document: Complaint

Case Status: Closed

February 7, 2006

Completed

Case Processing Status:

Journal Number:

Case Category: Miscellaneous

CaseType:

Inmate Petition for Review

Consolidated Docket Nos.:

Related Docket Nos.:

COUNSEL INFORMATION

Petitioner Garland, Kendall

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: Pending

Attorney: Garland, Kendall

Bar No.:

Law Firm:

Address: FB-6020
SCI Houtzdale, P.O. Box 1000
Houtzdale, PA 16698-1000
Phone No.:

Fax No.:

Receive Mail: Yes

Certified from the Record
MAR - 3 2006
and Order Exit

Respondent Rydbom, Captain

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Neal, Laura J.

Bar No.: 81070

Law Firm: PA Department of Corrections

Address: 55 Utley Drive
Camp Hill, PA 17011

Phone No.: (717)731-0444

Fax No.: (717)975-2217

Receive Mail: Yes

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 50 MD 2006****Page 2 of 4****March 3, 2006**

TRIAL COURT/AGENCY INFORMATION

Court Below: Department of Corrections

County:

Division:

Date of Order Appealed From:

Judicial District:

Date Documents Received: February 6, 2006

Date Notice of Appeal Filed:

Order Type:

Judge:

Lower Court Docket No.: FB-6020

ORIGINAL RECORD CONTENTS**Original Record Item****Filed Date****Content/Description****Date of Remand of Record:**

BRIEFING SCHEDULE

|

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 50 MD 2006****Page 3 of 4****March 3, 2006****DOCKET ENTRIES**

Filed Date	Docket Entry/Document Name	Exit Date	Party Type	Filed By
February 6, 2006	Complaint Filed		Petitioner	Garland, Kendall
February 6, 2006	Application to Proceed In Forma Pauperis		Petitioner	Garland, Kendall
February 7, 2006	Transfer	2/8/2006		Per Curiam
This matter is transferred to the Court of Common Pleas of Clearfield Co.				
February 14, 2006	Praeipice for Appearance			
	Praeipice for Appearance Neal, Laura J.		Respondent	Rydbom, Captain
February 14, 2006	Praeipice for Withdrawal of Appearance			
	Praeipice for Withdrawal of Appearance Farnan, Michael A.		Respondent	Rydbom, Captain
March 3, 2006	Transfer to Court of Common Pleas			
	Clearfield County.			Commonwealth Court Filing Office

SESSION INFORMATION

Journal Number:

Consideration Type:

Date Listed/Submitted:

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania**

Docket Number: 50 MD 2006
Page 4 of 4
March 3, 2006



DISPOSITION INFORMATION

Related Journal Number:		Judgment Date:	2/7/2006
Disposition Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Transfer	Disposition Date:	2/7/2006

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

Dispositional Filing:
Filed Date:

Author:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date:

Reargument Disposition:

Date:

Record Remitted:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, et al.

50 MD 2006 SK

Application To Proceed In Forma Pauperis

Plaintiff in the above captioned matter, Kendall Garland, respectfully requests permission to proceed in forma pauperis. Plaintiff certifies that he is unable to pay for the costs of this proceeding.

Respectfully Submitted,

Kendall R. Garland

Kendall Garland

Plaintiff, Pro Se

2/1/2006

RECEIVED
COMMONWEALTH COURT
OF PENNSYLVANIA
2006 FEB -6 A 8:54

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydholm, et al.

IFP Verified Statement

Plaintiff, Kendall Garland, states under penalties provided by
18 Pa. C.S. section 4904 that:

1. I am the plaintiff in the above action and because of my financial condition
I am unable to pay the following fees and costs:

- filing fees for prosecuting this action under this Honorable Court's jurisdiction.
- reproducing records and other fees and costs associated with prosecuting this action.

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

(a) Are you presently employed?

(1) The plaintiff is not employed except for a prison work detail for which the plaintiff earns approximately \$25 per month. The plaintiff has been incarcerated since 2001.

(b) Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, pensions, annuities, social security benefits, support payments or other source? No income.

(c) Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

(d) Do you own any cash or checking or savings account? No.

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COMMONWEALTH COURT
OF PENNSYLVANIA
2008 FEB -6 A 8:54

(e) List the persons, if any, who are dependent upon you for support and state your relationship to these persons.

No persons dependent upon for support.

(f) List all your debts and obligations. None

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 (misdemeanor of the second degree).

Respectfully Submitted,

Kendall L. Garland

Kendall Garland

Plaintiff, Pro Se

2/1/2006

Kendall Garland

v.

Cpt. Rydborn, et al.

SD MD2006

Notice To Defend

TO THE ABOVE NAMED DEFENDANTS:

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 notice and complaint are served, by entering a written appearance personally or by attorney and filing with the Court in writing 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 money claimed in the complaint or for any other claim or 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 offices set forth below to find out where you can get legal help.

Central Pennsylvania Legal Services, Inc.
213 North Front Street
Harrisburg, PA 17101
(717) 232-0581

Public Services and
Lawyer Referral Committee
Dauphin County Bar Association
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

Respectfully Submitted

Kendall R. Garland
Kendall Garland
Plaintiff, Pro Se

RECEIVED
COMMONWEALTH COURT
OF PENNSYLVANIA
2006 FEB -6 A 8:54

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland
v.

Complaint

Jury Trial Demanded

Cpt. Rydbom, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtzdale, Superintendent
Patrick and John Doe (RHU
official responsible for providing
RHU inmates access to the courts)

Preliminary Statement

This is a civil rights complaint filed by the plaintiff, Kendall Garland, under 42 U.S.C.A. section 1983 for declarative judgements, compensatory damages and punitive damages and injunctive relief alleging retaliation, the issuance of false misconduct charges, denial of access to the courts, denial of due process and negligence claims.

Jurisdiction

1. This Honorable Court has original jurisdiction to adjudicate this matter.
2. Cpt. Rydbom is sued in his individual and official capacity.
3. Sgt. Stone is sued in his individual and official capacity.
4. C. Mitchell is sued in his individual and official capacity.
5. Superintendent Patrick is sued in his individual and official capacity.
6. John Doe (RHU official responsible for providing access to the courts for RHU inmates) is sued in his individual and official capacities.
7. SCI Houtzdale is sued in its individual and official capacity.
8. The plaintiff, Kendall Garland, was incarcerated at SCI Houtzdale during the events described in this action.

FACTS OF CASE

COUNT I

9. On January 21, 2004, the plaintiff was sent to the RHU in retaliation for lawsuits filed.
10. Plaintiff respectfully sets forth that as much as grievances represent steps incidental to filing a lawsuit, the plaintiff was also punished for filing grievances.
11. On January 21, 2004, the plaintiff had an action pending in the United States District Court for the Middle District of Pennsylvania which was challenging events occurring in essentially June, July and August, 2003.
12. Sgt. Stone knew of grievances filed.
13. Sgt. Stone knew of a lawsuit filed by the plaintiff.
14. Sgt. Stone knew of a lawsuit filed by the plaintiff by many ways including through delivering mail from the U.S. District Court for the Middle District of Pennsylvania and while knowing the plaintiff is from Philadelphia.

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COMMONWEALTH COURT
OF PENNSYLVANIA
2006 FEB - 6 A 654

15. On January 21, 2004, the plaintiff requested assistance from the guards on the housing unit at J, because of being threatened.
16. Sgt. Stone sent the plaintiff to security despite the plaintiff stating that he did not want to go to security.
17. Normally, the sergeant would not have sent the plaintiff to security. Because of the lawsuit filed and the grievances filed relating to the lawsuit (grievances filed to exhaust claims), the plaintiff became a "marked man."
18. Many incidents similar to that on January 21, 2004 were handled differently on J Unit and other units.
19. In November, 2003, the plaintiff requested assistance, stating that the plaintiff had been pushed by another inmate.
20. Plaintiff's shirt was definitely noticeably torn and the plaintiff probably had scratches on him also and nothing was done.
21. Because in November, 2003, another inmate was apparently willing or wanting to fight (the same inmate who had torn the plaintiff's shirt), the plaintiff requested assistance.
22. Other incidents have occurred where the plaintiff requested assistance to diffuse a heated situation and the plaintiff, at most, may have been offered self-lockup.
23. While on J Unit and prior to January 21, 2004, Sgt. Stone would also make remarks directed at the plaintiff try to deter the plaintiff from filing a grievance.
24. On J Unit, the plaintiff always had to ask an officer for a grievance form in order to file a grievance.
25. On J Unit, the plaintiff would always be greeted by remarks when asking for a grievance form that were made by officials, including Sgt. Stone, not in the order of trying to resolve a situation, but only to mock and dissuade the plaintiff from filing grievances and from pursuing claims in court.
26. On January 21, 2004, the plaintiff's cell mate was upset about something.
27. In an attempt to follow prison rules and avoid 'fighting' in self-defense, which the plaintiff did succeed in doing, the plaintiff requested assistance.
28. Plaintiff did no wrong on January 21, 2004.
29. When the plaintiff requested assistance, the plaintiff spoke with Sgt. Stone.
30. When the plaintiff requested assistance on January 21, 2004, it provided the perfect opportunity, apparently, for Sgt. Stone to retaliate against the plaintiff by having the plaintiff placed in the RHU for no reason.
31. Similar incidents were handled differently and it is only because of a lawsuit pending that the plaintiff was sent to the security office and to the RHU.
32. Sgt. Stone also knew of grievances filed by the plaintiff.
33. On January 21, 2004, Sgt. Stone told the plaintiff that the plaintiff would probably have to do a couple days in the RHU.
34. Sgt. Stone called security and told security to place the plaintiff in the RHU.
35. By the comments by Sgt. Stone noted in paragraph #33, Sgt. Stone may have initially suggested administrative custody, but even this was proposed because of the lawsuit pending.
36. There was no cause to send the plaintiff to administrative custody.
37. Sgt. Stone told the plaintiff to go to the security office where the plaintiff would probably be placed in the RHU.
38. Plaintiff respectfully sets forth that the facts set forth in this complaint are true and correct.

Relief Requested (Count I)

A. Declaratory Judgements stating that:

1. Sgt. Stone retaliated against the plaintiff for the exercise of the right of access to the courts.

B. Compensatory damages in the amount of:

1. \$1,500 for retaliation and time spent in the RHU. Plaintiff prays that this amount be assessed against Sgt. Stone in his individual and official capacities.

C. Punitive damages in the amount of:

1. \$1,500 for conduct of retaliation that Sgt. Stone knew would violate the plaintiff's rights. Plaintiff prays that this amount be assessed against Sgt. Stone in his individual and official capacities.

January 24, 2006

Respectfully Submitted,

Kendall L. Garland

Kendall Garland

Plaintiff, Pro Se

Kendall Garland

FB6020

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Sgt. Stone

Houtzdale Correctional Facility (SCI Houtzdale)

PO Box 1000

Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Moutzdale, Superintendent
Patrick and John Doe (RHU
official responsible for providing
RHU inmates access to the courts)

Complaint

Jury Trial Demanded

Plaintiff, Kendall Garland, herein incorporates by reference the sections of the
Jurisdiction of this Honorable Court and all of the paragraphs from COURT I

COUNT II

1. After requesting assistance, the plaintiff was told to go to security.
2. When the plaintiff arrived at the security office, the plaintiff was met by then, LT. Rydbom.
3. Plaintiff repeatedly stated, when asked about the situation, that the plaintiff did not fight, punch or shove anyone.
4. LT. Rydbom knew of the lawsuit filed and pending by the plaintiff at the time.
5. Plaintiff was threatened by then, LT. Rydbom, with a misconduct.
6. Plaintiff stated to then, LT. Rydbom, after repeatedly not being believed and harassed by LT. Rydbom in the form of being called a liar, and other harassments by LT. Rydbom, that, "if you give me a misconduct, I'm gonna give you a section 1983 action."
7. Though the plaintiff may not have chosen the wisest course of action by stating this, but in considering the level of and degree of harassment incurred at the security office, the plaintiff respectfully sets forth that it may not have been completely unreasonable and it was still within the plaintiff's constitutional rights.
8. Plaintiff stated this after being harassed at the security office for the lawsuit filed and after trying to plead to LT. Rydbom that the plaintiff did no wrong and that there was nothing to warrant a misconduct.
9. LT. Rydbom then stated that he did not care about a section 1983 action and lied on a misconduct charge.
10. LT. Rydbom lied on the misconduct charge only after the plaintiff informed the LT. that the evidence presented to the plaintiff supposedly favoring a misconduct would be legally insufficient to sustain a misconduct charge (LT. Rydbom alleges that there were faint scratches on the plaintiff's neck without any witnesses or other evidence).
11. LT. Rydbom lied when he stated on the misconduct that "Inmate Garland stated he shoved Inmate Johnson."
12. Plaintiff was convicted of the misconduct charge, spent approximately 22 days in the RHU and incurred sanctions that usually accompany misconduct citations.
13. Plaintiff respectfully sets forth that the facts set forth in this complaint are true and correct.

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Relief Requested (Count II)

A. Declaratory Judgement stating that:

1. Cpt Rydbom, then LT. Rydbom retaliated against the plaintiff for the exercise of the right of access to the courts by lying on a misconduct report and by issuing a false misconduct charge.

B. Compensatory damages in the amount of:

1. \$5,000 for retaliation and time spent in the RHU as well as any other sanctions resulting from the false misconduct to be assessed against Cpt. Rydbom in his individual and official capacities.

C. Punitive damages in the amount of:

1. \$5,000 for conduct that was malicious, outrageous and conduct that LT. Rydbom knew would violate the plaintiff's rights to be assessed against LT. Rydbom in his individual and official capacities.

D. An injunction ordering the removal of the misconduct from the plaintiff's records.

January 24, 2006

Respectfully Submitted,

Kendall L. Garland

Kendall Garland

Plaintiff, Pro Se

Kendall Garland

FB6020

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Cpt Rydbom

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtzdale, Superintendent
Patrick and John Doe (RHU
Official responsible for providing
RHU inmates access to the courts)

Complaint

Jury Trial Demanded

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OF PENNSYLVANIA
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Plaintiff, Kendall Garland, herein incorporates by reference the sections of the Jurisdiction of this Honorable Court and all of the paragraphs from COUNT I and COUNT II.

COUNT III

1. On January 27, 2004, the plaintiff was given a misconduct hearing.
2. C. Mitchell was the hearing examiner at the misconduct hearing.
3. At the misconduct hearing, the plaintiff was not allowed to pose relevant questions to all adverse witnesses as required by Pa. DOC policy.
4. Plaintiff was not allowed to present documentary evidence of grievances submitted as a defense of retaliation.
5. Plaintiff was not allowed to present documentary evidence of a lawsuit filed as a defense of retaliation.
6. Plaintiff was found guilty and given a sanction of 45 days confinement of which the plaintiff served approximately half of this time in the RHU.
7. The hearing examiner did not believe either version of events by the plaintiff or Inmate Johnson over the other.
8. The hearing examiner, C. Mitchell, based his decision on the report of LT. Rydbom.
9. The hearing examiner was biased.
10. The report of then, LT. Rydbom is insufficient to sustain the decision reached by the hearing examiner (insufficient as a matter of law under the same evidence standard).
11. Also, LT. Rydbom lied on the misconduct charge.
12. C. Mitchell, the hearing examiner knew of a lawsuit filed and grievances filed by the plaintiff.
13. Plaintiff respectfully sets forth that the facts set forth in this complaint are true and correct.

Relief Requested (Count III)

A. Declaratory Judgement stating that:

1. C Mitchell violated the plaintiff's rights to due process by improperly convicting the plaintiff of a misconduct citation.

B. Compensatory Damages in the amount of:

1. \$500 for the improper misconduct conviction and time spent in the RITU as well as for any other sanctions stemming from the misconduct conviction that violated due process.

C. An injunction ordering that the misconduct be removed from the plaintiff's records.

January 24, 2006

Respectfully Submitted,

Kendall R. Garland

Kendall Garland

Plaintiff, Pro Se

Kendall Garland

FB6020

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

C. Mitchell, Hearing Examiner

SCF Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydholm, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtzdale, Superintendent
Patrick and John Doe (RHA
official responsible for providing
RHA inmates access to the courts)

Complaint

Jury Trial Demanded

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OF PENNSYLVANIA
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Plaintiff, Kendall Garland, herein incorporates by reference the sections of Jurisdiction of this Honorable Court and all of the paragraphs from COUNTS I, II, and III.

COUNT IV

1. Plaintiff would not have been convicted of the misconduct citation had the plaintiff not had a lawsuit pending.
2. Plaintiff would not have been convicted of the misconduct citation if not for grievances filed.

Relief Requested (Count IV)

- A. Declaratory Judgement stating that:
 1. C. Mitchell retaliated against the plaintiff by convicting the plaintiff of a false misconduct charge.
- B. Compensatory Damages in the amount of:
 1. \$1,000 for retaliation, time spent in the RHA and other sanctions to be assessed against C. Mitchell in his individual and official capacities
- C. Punitive damages in the amount of:
 1. \$1,000 for conduct that was malicious and conduct that C. Mitchell knew would violate the plaintiff's rights to be assessed against C. Mitchell in his individual and official capacities.
- D. An injunction ordering the removal of the misconduct from the plaintiff's records.

January 24, 2006

Respectfully Submitted,

Kendall L. Garland

Kendall Garland
Plaintiff, Pro Se

Kendall Garland
FB6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

C. Mitchell, Hearing Examiner
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtzdale, Superintendent Patrick
and John Doe (RHU official
responsible for providing RHU inmates
access to the courts)

Complaint

Jury Trial Demanded

Plaintiff, Kendall Garland, herein incorporates by reference the sections of the Jurisdiction of this Honorable Court and all of the paragraphs from COUNTS I, II, III and IV.

COUNT V

1. Under Pa. DOC policy, C. Mitchell had a duty to allow the inmate charged with misconduct to pose relevant questions to any adverse witnesses.
2. The plaintiff was not allowed the opportunity to pose relevant questions to adverse witnesses, specifically to Inmate Johnson.
3. This act of not allowing the plaintiff to pose relevant questions proximately contributed to the plaintiff's misconduct conviction.
4. Superintendent Patrick, as the SCI Houtzdale superintendent, on appeal (2nd level appeals) reviews all misconduct changes.
5. Superintendent Patrick reviewed the plaintiff's misconduct conviction.
6. Superintendent Patrick had a duty to correct the plaintiff's injury of being convicted of a false misconduct change and the violation of the plaintiff's due process rights which Superintendent Patrick did not meet.
7. C. Mitchell also did not fulfill his duty of allowing the plaintiff to pose relevant questions and his duty not to convict the plaintiff in violation of his due process rights.
8. Superintendent Patrick has policy making authority for SCI Houtzdale.

Relief Requested (Count V)

A. Declaratory Judgements stating that:

1. Superintendent Patrick, C. Mitchell and SCI Houtzdale were all negligent in their handling of the misconduct hearing and review of the misconduct hearing.

B. Compensatory damages in the amount of:

1. \$5,000 to be assessed against C. Mitchell, Superintendent Patrick and SCI Houtzdale jointly and severally for negligence which contributed, if not caused injury to the plaintiff. Plaintiff prays for this amount because though the actions in this Count allege mere negligence, the named defendants should have known through established law that the conditions would violate the plaintiff's rights.

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C. An injunction ordering the removal of the misconduct citation from the plaintiff's records.

January 24, 2006

Respectfully Submitted,

Kendall R. Garland

Kendall Garland

Plaintiff, Pro Se

Kendall Garland

FB6020

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Superintendent Patrick

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

C. Mitchell, Hearing Examiner

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydberg, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtsdale, Superintendent
Patrick and John Doe (RHU
official responsible for providing
RHU inmates access to the courts.)

Complaint

Jury Trial Demanded

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Plaintiff, Kendall Garland, herein incorporates by reference the sections of the
Jurisdiction of this Honorable Court and all of the paragraphs from Counts I, II, III,
IV and V

COUNT VI

1. While inside of the RHU, the plaintiff was allowed insufficient time for legal research.
2. SCI Houtsdale had just installed computers in the library and RHU and, at times, the computers would not work properly.
3. While inside the RHU, the plaintiff had no access to actual texts for research.
4. In January and February of 2004, the plaintiff had pending in the United States District Court for the Middle District of Pennsylvania a civil action. The action was assigned civil action number 03-1599.
5. Plaintiff was ordered by the Court for the Middle District on January 21, 2004 to file an amended complaint in the matter within 15 days of the date of the Order which was issued on January 21, 2004.
6. The insufficiency of time allowed while inside the RHU during this period was responsible for the plaintiff to inadequately plead several claims of actual legal injury which the plaintiff had incurred previously in June, July and August of 2003 and the plaintiff were pursuing in Civil Action No. 03-1599.
7. As a result of the plaintiff's failure to adequately plead the issues of being denied access to the courts which was caused by the inadequate time for research while inside the RHU and problems caused by the software on the computers on the network which the computers were on, the plaintiff lost the claim of denial of access to the courts.
8. Plaintiff also lost claims related to other issues because of the plaintiff's failure to adequately plead a denial of access to the courts claim in the amendment ordered in Civil Action No. 03-1599.
9. Without adequately pleading a denial of access to the courts claim in Civil Action No. 03-1599, the plaintiff could not adequately demonstrate a deprivation of an atypical and significant deprivation of a liberty interest under *Sandén v. Connor*, 515 U.S. 472, 115 S.Ct. 2293 (1995), which was filed challenging a misconduct citation in June, 2003.
10. Claims relating to this issue were lost as a result of insufficient legal research time allowed, inadequate facilities and the resulting failure to adequately plead the issue in the amendment ordered by the court in Civil Action No. 03-1599 while the plaintiff was in the RHU in January and February, 2004.

11. Plaintiff was also prevented from recognizing as injury, and pleading the injury, due to the inadequate time for research and the inadequate facilities, injury stemming from the plaintiff being prevented from raising issues of the failure to hold a prompt revocation hearing due to inadequate time for research allowed in June, July and August, 2003. The denial of access to the courts claim in Civil Action No. 03-1599 was lost because of this non frivolous issue that was not recognized as actual legal injury and pleaded.
12. Restated, plaintiff claims that the actual legal injury occurred in June, July and August of 2003, but the failure to recognize the injury and/or adequately plead them in January and February, 2004 exacerbated the situation and caused further injury in Civil Action No. 03-1599, actual legal injury, when the failure to plead the injury incurred was due to inadequate time allowed for research in the RHA and inadequate facilities.
13. Plaintiff, as a result of the actions complained of failed to adequately plead injury resulting from the loss of a claim, a non-frivolous claim, of failure to allow allocution before resentencing at a probation revocation hearing.
14. Many of the claims lost were dealing with post conviction attacks to a couple of the plaintiff's sentences. These claims of injury should have been pleaded in Civil Action No. 03-1599.
15. The injury occurred in June, July and August of 2003, but the plaintiff's failure to plead the injury in an amendment ordered in January, 2004 caused further injury.
16. Plaintiff's injury to legal claims were extensive and the plaintiff incurred further injury from the failure to plead this injury.
17. Plaintiff had filed a habeas corpus petition on October 17, 2003.
18. Plaintiff was required by statute to file the habeas corpus on or about September 6, 2003 (since September 6, 2003 fell on a Saturday, the habeas corpus petition would have been due on September 8, 2003, the following Monday).
19. Plaintiff respectfully sets forth that even though the habeas corpus petition had not been dismissed at this point (in January, 2004) as untimely, the plaintiff still could have alleged interference with the presentation of the habeas corpus petition, as interference essentially lasting for approximately 68 days (from June 25, 2003 to September 1, 2003) just prior to the due date of the habeas petition occurred and the plaintiff failed to plead this interference in Civil Action No. 03-1599.
20. The failure to plead this form of injury was the result of the actions complained of (The failure to plead this injury in Civil Action No. 03-1599).
21. Plaintiff's federal habeas corpus petition was dismissed in 2005 as untimely.
22. In early June to mid June, 2003, the plaintiff had filed a petition asking, among other things, for general relief and for permission to file original process in the Pennsylvania Supreme Court.
23. During the period the plaintiff was in the RHA and just prior, the plaintiff was prevented from learning about a Supreme Court decision (Pa. Supreme Court) of *Com v. Robinson*, 575 Pa. 500, 837 A.2d 1157 (Pa. 2003).
24. The petitions were still pending in the Pennsylvania Supreme Court in January and February, 2004 while the plaintiff was still in the RHA.
25. The petitions were assigned 75 EM 2003 in the Pennsylvania Supreme Court.
26. The fact that the plaintiff was prevented from knowing of the Robinson decision as well as other conditions prevented the plaintiff from amending the Supreme Court petitions filed which were still pending.
27. Plaintiff respectfully sets forth that this injury is directly related to the actions complained of.

28. Plaintiff respectfully sets forth that the plaintiff did not amend the petitions filed in the Pennsylvania Supreme Court. The Pa. Supreme Court has since adjudicated the petitions.
29. Plaintiff sets forth that this was due in part to the actions complained of in the RHU (plaintiff's failure to amend).
30. Plaintiff respectfully sets forth that the failure to amend the petitions which was in part caused by the actions complained of has caused injury to the plaintiff's post conviction and appellate rights to meaningful review of his conviction.
31. Plaintiff respectfully sets forth that in July, 2003, the plaintiff had a petition dismissed, which was filed on July 21, 2003, for the failure to follow technical requirements for which the plaintiff could not have known of due to the inadequacy of the legal assistance provided to the plaintiff in July, 2003.
32. Because the plaintiff failed to recognize this injury as "actual legal injury" and/or adequately plead events relating to paragraph 31 in Civil Action No. 03-1599 as "actual legal injury," the plaintiff incurred further injury.
33. The access to the courts claim originally failed and amended in the United States District Court for the Middle District of Pennsylvania was dismissed as a result of the actions complained of.
34. The claims in Civil Action No. 03-1599 relating to the misconduct citation were lost (the misconduct citation challenged in Civil Action No. 03-1599) as a result of not adequately pleading a denial of access to the courts claim and, thus, the plaintiff's inability to demonstrate an atypical and significant deprivation of a protected liberty interest, of which both claims were lost because of the actions complained of in January and February, 2004 relating to the inadequacy of assistance or research facilities provided.
35. Plaintiff respectfully sets forth that the person responsible for providing RHU inmates with access to the courts has policy making authority for SCI Houtzdale.
36. SCI Houtzdale's policies, procedures and customs are responsible for causing the plaintiff's denial of access to the courts.
37. Plaintiff has previously incurred access to the courts violations prior to January and February, 2004 and SCI Houtzdale has done nothing to prevent future violations.
38. Other access to the courts violations have occurred at SCI Houtzdale and SCI Houtzdale has done nothing to prevent violations despite a known risk of injury to inmates.
39. The plaintiff filed amended pleadings in Civil Action No. 03-1599 on February 3, 2004 while the plaintiff was still inside of the RHU.

Relief Requested (Count VI)

A. Declaratory Judgement stating that:

1. The plaintiff incurred a denial of access to the courts violation in January and February, 2004.

B. Compensatory Damages in the amount of:

1. \$50,000 for direct injury to the plaintiff's petition filed in the Pennsylvania Supreme Court as 75 EM 2003 and direct injury to the litigation and/or pleading of claims of denial of access to the courts stemming from the failure to plead non-frivolous areas of injury in Civil Action No. 03-1599. Plaintiff prays that this amount

be assessed against SCI Houtzdale, John Doe (RTHU official responsible for providing RTHU inmates access to the courts), Cpt. Rydbom, Sgt. Stone, C. Mitchell and Superintendent Patrick.

January 24, 2006

Respectfully Submitted,

Kendall P. Garland

Kendall Garland

Plaintiff, Rose

Kendall Garland

FB6020

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

John Doe (RTHU official)

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Cpt. Rydbom

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Sgt. Stone

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

C. Mitchell

SCI Houtzdale

PO Box 1000

Houtzdale, PA 16698-1000

Superintendent Patrick

SCI Houtzdale,

PO Box 1000

Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, et al.

Affidavit A

1. Plaintiff claims that the interference is in part responsible for preventing the plaintiff from knowing about the Robinson case earlier and the need to attempt to file for amendment earlier causing the plaintiff to not amend or attempt to amend the petitions filed in the Pennsylvania Supreme Court earlier (Interference as set forth in COUNT II).

Perceived Questions

- a) Was the plaintiff prevented from knowing of the Robinson case in part because of the actions complained of?
- b) Is preventing the plaintiff from knowing of the Robinson case enough to cause actual legal injury for the failure to amend the petitions filed in the Pa. Supreme Court when the failure to attempt to amend the petitions earlier was in part due to the actions complained of?
- c) Is there also a claim of negligence stemming from the actions complained of with respect to the petitions filed in the Pennsylvania Supreme Court?

2. Plaintiff was later physically prevented from filing for amendment because of cell restriction and the resulting inability to obtain supplies (Later actions of other parties).

3. Plaintiff respectfully sets forth under penalties provided by 18 Pa. C.S. 4904 that the facts set forth in this Affidavit are true and correct.

Respectfully Submitted,

Kendall L. Garland

Kendall Garland

Plaintiff, Pro Se

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland

v.

Cpt. Rydbom, Sgt. Stone,
C. Mitchell (Hearing Examiner),
SCI Houtzdale, Superintendent
Patrick and John Doe (RHU official
responsible for providing RHU inmates
access to the courts)

Complaint

Jury Trial Demanded

Plaintiff, Kendall Garland, herein incorporates by reference the sections of the Jurisdiction of this Honorable Court and all of the paragraphs from Counts I, II, III, IV, V and VI.

COUNT VII

1. Plaintiff respectfully sets forth that SCI Houtzdale, Superintendent Patrick and John Doe (RHU official) had a duty to provide adequate access to the courts to the plaintiff while inside of the RHU which these officials did not satisfy.
2. Plaintiff respectfully sets forth that Superintendent Patrick and John Doe (RHU official) has policy making authority for SCI Houtzdale.
3. Plaintiff respectfully sets forth that SCI Houtzdale, through its policies, procedures and customs are negligent and caused the plaintiff injury by denying the plaintiff access to the courts.
4. Plaintiff respectfully sets forth that the facts set forth in this complaint are true and correct.

Relief Requested (Count VII)

A. Declarative Judgement stating that:

1. SCI Houtzdale, Superintendent Patrick and John Doe (RHU official) were all negligent.

B. Compensatory Damages in the amount of:

1. \$20,000 to be assessed against SCI Houtzdale, Superintendent Patrick and John Doe (RHU official) jointly and severally in their individual and official capacities for negligence stemming from the plaintiff being denied adequate access to the courts.

January 24, 2006
Respectfully Submitted,

Kendall L. Garland

Kendall Garland
Plaintiff, Pro Se

Kendall Garland
F86020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

Superintendent Patrick
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

John Doe (RHU official)
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
CIVIL ACTION

Kendall Garland
v.

Cpt. Rydbom, et al.

.....

Certificate Of Service

Plaintiff, Kendall Garland, hereby certifies that a copy of the enclosed Complaint and Affidavit have been served upon all other parties by submitting the documents through SCI Houtzdale internal mail and to the Attorney General.

Respectfully Submitted,

Kendall L. Garland

Kendall Garland
Plaintiff, Pro Se
2/1/2006

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OF PENNSYLVANIA
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(717) 731-0444

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

KENDALL GARLAND,

Petitioner,

v.

CPT. RYDBOM, et al.,

Respondents.

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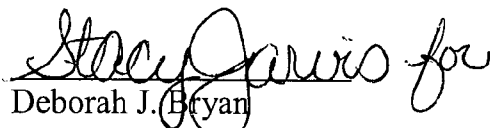
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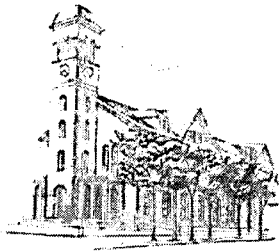
The undersigned hereby certifies that a copy of the Praecipe for Withdrawal/Entry of Appearance in this matter was served upon the person (s) in the manner indicated below.

Service by first-class mail
addressed as follows:

Kendall Garland, FB-6020
SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698


Deborah J. Bryan
Legal Assistant I

PA Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Dated: February 14, 2006



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

March 21, 2006

COPY

Kendall Garland
FB 6020
SCI Houtzdale
PO Box 1000
Houtzdale, PA 16698

Re: Kendall Garland vs. Cpt. Rydbom
Case No. 06-332-CD

Dear Mr. Garland:

Please be advised that the action you filed in the above matter has been stricken effective March 21, 2006. You may not proceed with this action without good cause from the court.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

018:48/34
MAR 21 2006
Letter to DFF

William A. Shaw
Prothonotary/Clerk of Courts