

Trevor Mattis vs George Patrick et al
2006-1172-CD

July 2, 2007

RE: Mattis v. Patrick et al
No.: 1164 CD 2007
Agency Docket Number: No. 06-1172-CD
Filed Date: June 21, 2007

FILED No
JUL 05 2007 CC

William A. Shaw
Prothonotary/Clerk of Courts

Notice of Docketing Appeal

A Notice of Appeal from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

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

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

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

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

Notice to Counsel

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

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

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

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

Attorney Name	Party Name	Party Type
Suzanne Noelle Hueston, Esq.	George Patrick	Appellee
Robert B. MacIntyre, Esq.	George Patrick	Appellee
Trevor Mattis	Trevor Mattis	Appellant

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
JUL 05 2007

117

Address all written communications to:

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

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

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

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

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

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

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

FILED

JUL 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

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

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

06-1172-CD

Trevor Mattis
VS.
George Patrick et al

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

The documents comprising the record have been numbered from **No. 1 to No. 42**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

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

July 20, 2007.


Prothonotary/Clerk of Courts

(seal)

Date: 07/20/2007

Time: 03:05 PM

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Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
07/21/2006	New Case Filed.	No Judge
	Filing: Praeipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash)	No Judge
07/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Fredric Joseph Ammerman
08/22/2006	Letter to Plaintiff, Case Stricken effective August 22, 2006.	No Judge
08/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge
08/31/2006	Order, filed NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge
09/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge
09/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge
12/13/2006	Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC	No Judge
	Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm. Court)	No Judge
12/14/2006	Additional Matters, filed by Plaintiff No cert. copies. (duplicate additional matters received on 12/13/2006)	No Judge
12/19/2006	Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service.	No Judge
02/02/2007	Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2006 attached to Order)	Fredric Joseph Ammerman
02/12/2007	Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Praeipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A	Fredric Joseph Ammerman
02/13/2007	Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 03:05 PM

Page 2 of 4

Clefield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
02/14/2007	Filing: Praeipce to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
03/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praeipce to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA	Fredric Joseph Ammerman
	Praeipce To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC	Fredric Joseph Ammerman
03/21/2007	Praeipce to Reinstate Complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff	Fredric Joseph Ammerman
03/27/2007	Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
03/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement fo Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED.	Fredric Joseph Ammerman
04/04/2007	Pursuant to Pa.R.C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant.	Fredric Joseph Ammerman
04/09/2007	Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
04/12/2007	Response to Defendants' Preliminary Objections and Motion to Stay Discovery, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
04/16/2007	Order, filed 1 Cert. to Atty. & 1 Cert. to Plaintiff. Now, this 10th day of April, 2007, RE: Motion to Stay Discovery, Hereby Ordered that Motion is Granted and discovery is Stayed.	Fredric Joseph Ammerman
	Received letter and "appeal to order denying plaintiff's petition for re-imbursement of filing fees" from Commonwealth Court. Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905.	Fredric Joseph Ammerman
	Order, NOW, this 16th day of April, 2007, it is Ordered: 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/09/2007	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty.	Fredric Joseph Ammerman
05/10/2007	Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 03:05 PM

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Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
05/11/2007	Order, this 10th day of May, 2007, The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. it is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre; 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/18/2007	Praeipce to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
05/23/2007	Plaintiff's Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
05/25/2007	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
06/08/2007	Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiff's Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre, 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
06/11/2007	Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman
06/20/2007	Objections to Notice of Removal, filed by Plaintiff. no cert. copies.	Fredric Joseph Ammerman
06/21/2007	Notice of Appeal, filed by Trevor Mattis 1 Cert. copy to Commonwealth Court.	Fredric Joseph Ammerman
	Request to Continue In Forma Pauperis Status on Appeal, filed by Plaintiff 1 Cert. to Commonwealth Court.	Fredric Joseph Ammerman
	Certificate of Service, filed by Plaintiff Copy of the enclosed motion mail to Robert MacIntyre on June 14, 2007 no cert. copies.	Fredric Joseph Ammerman
06/25/2007	Order, this 25th day of June, 2007, the Court having received and reviewed the Plaintiff's pro se Request to Continue in forma pauperis status on Appeal filed June 21, 2007, it is Ordered that the Plaintiff's pro se request is Granted for purposes of his appeal to the Commonwealth Court. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff, 1CC Comm. Crt	Fredric Joseph Ammerman
06/28/2007	Order, United States District Court For The Western District of Pennsylvania, Defendants removed this matter, originally filed at 2006-1172-CD in the Court of Common Pleas of Clearfield County, to this Court. Defendants have discovered, inter alia, that their notice of removal was untimely and now move to strike their notice of removal. docket no. 4. The motion is granted, and this matter is remanded to the Court of Common Pleas of Clfd. Co. The Clerk shall mark this matter closed. /s/ Keith A. Pesto, United States Magistrate Judge.	No Judge
07/05/2007	Commonwealth Court of Pennsylvania, Notice of Docketing Appeal, filed. Commonwealth Court Number 1164 CD 2007.	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 03:05 PM

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C  field County Court of Common Pleas 

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date

Judge

07/20/2007

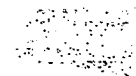
July 20, 2007, Mailed Appeal to Commonwealth Court.
Letters, Re: Notification of mailing appeal mailed to Trevor Mattis and
Robert B. MacIntyre, Esq., with certified copies of docket sheet and
Document listing required by Pa.R.A.P. 1931(c).

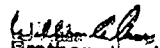
Fredric Joseph Ammerman

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

JUL 20 2007

Attest.




Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1172-CD

Trevor Mattis

V.S.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	07/21/06	Praeipe to Proceed In Forma Pauperis	27
02	07/27/06	Order, Re: IFP denied for inappropriate jurisdiction	02
03	08/22/06	Letter to Plaintiff, Re: Case Stricken effective August 22, 2006	01
04	08/28/06	Motion for Good Cause and Permission to Proceed	02
05	08/31/06	Order from Commonwealth Court directing the matter be certified to Court of Common Pleas of Clearfield County	02
06	09/15/06	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA	32
07	09/18/06	Payment received for filing Motion for Good Cause	04
08	12/13/06	Petition for the Appointment of a Judge	02
09	12/13/06	Additional Matters filed by Plaintiff (received from Commonwealth Court)	04
10	12/14/06	Additional Matters filed by Plaintiff (duplicate of Additional Matters filed 12/13/06)	03
11	12/19/06	Request for Admissions	17
12	02/02/07	Order, Re: Petition for Appointment of a Judge Denied	02
13	02/12/07	Defendants' Preliminary Objections to Plaintiff's Complaint	05
14	02/12/07	Praeipe for Entry of Appearance	02
15	02/13/07	Order, Re: Plaintiff's Complaint is Dismissed; Plaintiff directed to properly serve Complaint on Defendants	01
16	02/14/07	Praeipe to Reinstate Complaint	01
17	03/15/07	Order, Re: Praeipe to Proceed In Forma Pauperis Granted	01
18	03/15/07	Praeipe to Proceed In Forma Pauperis	05
19	03/21/07	Plaintiff to Reinstate Complaint	01
20	03/27/07	Petition for Reimbursement of Filing Fees	01
21	03/28/07	Order, Re: Petition for Reimbursement of Filing Fees Denied	01
22	04/04/07	Pursuant to Pa.R.C.P. Rule 2252 to join Ms. Nancy Smith as additional defendant	03
23	04/09/07	Defendants' Motion to Stay Discovery with Order Granting Motion filed April 16, 2007	05
24	04/12/07	Response to Defendants' Preliminary Objections and Motion to Stay Discovery	03
25	04/16/07	Received letter and "Appeal to Order denying Plaintiff's Petition for Reimbursement of Filing Fees" from Commonwealth Court	08
26	04/16/07	Order, Re: Document filed April 4, 2007, by Plaintiff is Dismissed. Nancy Smith not joined as an additional defendant. Defendant's Preliminary Objections to Plaintiff's Complaint will be decided without oral argument	01
27	05/09/07	Defendant's Preliminary Objections to Plaintiff's Complaint	20
28	05/10/07	Motion for Production of Documents and Things	03
29	05/11/07	Order, Re: Preliminary Objections	01
30	05/18/07	Praeipe to Reinstate Complaint	01
31	05/23/07	Plaintiff's Response to the Defendant's Preliminary Objections	32
32	05/25/07	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections	01
33	06/08/07	Opinion and Order, Re: Defendants' Preliminary Objections are Granted. Complaint is Dismissed with Prejudice	10
34	06/11/07	Notice of Removal	29
35	06/20/07	Objections to Notice of Removal	02
36	06/21/07	Notice of Appeal	01
37	06/21/07	Request to Continue In Forma Pauperis Status on Appeal	02
38	06/21/07	Certificate of Service	01
39	06/25/07	Order, Re: Pro Se request to Continue In Forma Pauperis Status is Granted for purposes of appeal	01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

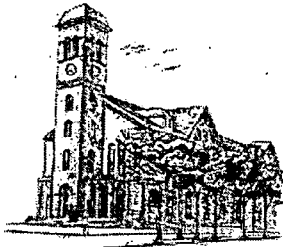
No. 06-1172-CD

Trevor Mattis

VS.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
40	06/28/07	Order from U.S. District Court for the Western District of PA, Re: Motion to Strike Notice of Removal Granted. Matter is remanded to Court of Common Pleas of Clearfield County	02
41	07/05/07	Commonwealth Court of PA, Notice of Docketing Appeal, Comm. Court No. 1164 CD 2007	02
42	07/20/07	Letters, Re: Notification of mailing appeal mailed to Trevor Mattis and Robert B. MacIntyre, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c)	06



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

COPY

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

Trevor Mattis
BH 3126
PO Box 1000
Houtzdale, PA 16698-1000

Robert B. MacIntyre, Esq.
55 Utley Drive
Camp Hill, PA 17011

Trevor Mattis
Vs.
George Patrick et al

FILED
012:43/BD
JUL 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

Court No. 06-1172-CD; Commonwealth Court No. 1164 CD 2007

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Commonwealth Court of Pennsylvania on July 20, 2007.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

242

Date: 07/20/2007

Time: 02:52 PM

Page 1 of 3



Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
07/21/2006	New Case Filed.	No Judge
	Filing: Praeipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash)	No Judge
07/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction , it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Fredric Joseph Ammerman
08/22/2006	Letter to Plaintiff; Case Stricken effective August 22, 2006.	No Judge
08/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge
08/31/2006	Order, filed NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge
09/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge
09/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge
12/13/2006	Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC	No Judge
	Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm. Court)	No Judge
12/14/2006	Additional Matters, filed by Plaintiff No cert. copies. (duplicate additional matters received on 12/13/2006)	No Judge
12/19/2006	Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service.	No Judge
02/02/2007	Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2006 attached to Order)	Fredric Joseph Ammerman
02/12/2007	Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Praeipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A	Fredric Joseph Ammerman
02/13/2007	Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 02:52 PM

Page 2 of 3

Jefferson County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
02/14/2007	Filing: Praecipe to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
03/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praecipe to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA	Fredric Joseph Ammerman
	Praecipe To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC	Fredric Joseph Ammerman
03/21/2007	Praecipe to Reinstate Complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff	Fredric Joseph Ammerman
03/27/2007	Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
03/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement for Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED.	Fredric Joseph Ammerman
04/04/2007	Pursuant to Pa.R.C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant.	Fredric Joseph Ammerman
04/09/2007	Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
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	Received letter and "appeal to order denying plaintiff's petition for re-imbursement of filing fees" from Commonwealth Court. Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905.	Fredric Joseph Ammerman
	Order, NOW, this 16th day of April, 2007, it is Ordered: 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/09/2007	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty.	Fredric Joseph Ammerman
05/10/2007	Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 02:52 PM

Page 3 of 3



Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

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

JUL 20 2007

Civil Other

Date	Judge Attest.	Prothonotary Clerk of Court
05/11/2007	Order, this 10th day of May, 2007, The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. it is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre; 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/18/2007	Praeipce to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
05/23/2007	Plaintiff's Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
05/25/2007	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
06/08/2007	Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiff's Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre, 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
06/11/2007	Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman
06/20/2007	Objections to Notice of Removal, filed by Plaintiff. no cert. copies.	Fredric Joseph Ammerman
06/21/2007	Notice of Appeal, filed by Trevor Mattis 1 Cert. copy to Commonwealth Court. Request to Continue In Forma Pauperis Status on Appeal, filed by Plaintiff 1 Cert. to Commonwealth Court. Certificate of Service, filed by Plaintiff Copy of the enclosed motion mail to Robert MacIntyre on June 14, 2007 no cert. copies.	Fredric Joseph Ammerman Fredric Joseph Ammerman Fredric Joseph Ammerman Fredric Joseph Ammerman
06/25/2007	Order, this 25th day of June, 2007, the Court having received and reviewed the Plaintiff's pro se Request to Continue in forma pauperis status on Appeal filed June 21, 2007, it is Ordered that the Plaintiff's pro se request is Granted for purposes of his appeal to the Commonwealth Court. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff, 1CC Comm. Crt	Fredric Joseph Ammerman
06/28/2007	Order, United States District Court For The Western District of Pennsylvania, Defendants removed this matter, originally filed at 2006-1172-CD in the Court of Common Pleas of Clearfield County, to this Court. Defendants have discovered, inter alia, that their notice of removal was untimely and now move to strike their notice of removal. docket no. 4. The motion is granted, and this matter is remanded to the Court of Common Pleas of Clfd. Co. The Clerk shall mark this matter closed. /s/ Keith A. Pesto, United States Magistrate Judge.	No Judge
07/05/2007	Commonwealth Court of Pennsylvania, Notice of Docketing Appeal, filed. Commonwealth Court Number 1164 CD 2007.	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1172-CD

Trevor Mattis

VS.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	07/21/06	Praeipe to Proceed In Forma Pauperis	27
02	07/27/06	Order, Re: IFP denied for inappropriate jurisdiction	02
03	08/22/06	Letter to Plaintiff, Re: Case Stricken effective August 22, 2006	01
04	08/28/06	Motion for Good Cause and Permission to Proceed	02
05	08/31/06	Order from Commonwealth Court directing the matter be certified to Court of Common Pleas of Clearfield County	02
06	09/15/06	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA	32
07	09/18/06	Payment received for filing Motion for Good Cause	04
08	12/13/06	Petition for the Appointment of a Judge	02
09	12/13/06	Additional Matters filed by Plaintiff (received from Commonwealth Court)	04
10	12/14/06	Additional Matters filed by Plaintiff (duplicate of Additional Matters filed 12/13/06)	03
11	12/19/06	Request for Admissions	17
12	02/02/07	Order, Re: Petition for Appointment of a Judge Denied	02
13	02/12/07	Defendants' Preliminary Objections to Plaintiff's Complaint	05
14	02/12/07	Praeipe for Entry of Appearance	02
15	02/13/07	Order, Re: Plaintiff's Complaint is Dismissed; Plaintiff directed to properly serve Complaint on Defendants	01
16	02/14/07	Praeipe to Reinstate Complaint	01
17	03/15/07	Order, Re: Praeipe to Proceed In Forma Pauperis Granted	01
18	03/15/07	Praeipe to Proceed In Forma Pauperis	05
19	03/21/07	Plaintiff to Reinstate Complaint	01
20	03/27/07	Petition for Reimbursement of Filing Fees	01
21	03/28/07	Order, Re: Petition for Reimbursement of Filing Fees Denied	01
22	04/04/07	Pursuant to Pa.R.C.P. Rule 2252 to join Ms. Nancy Smith as additional defendant	03
23	04/09/07	Defendants' Motion to Stay Discovery with Order Granting Motion filed April 16, 2007	05
24	04/12/07	Response to Defendants' Preliminary Objections and Motion to Stay Discovery	03
25	04/16/07	Received letter and "Appeal to Order denying Plaintiff's Petition for Reimbursement of Filing Fees" from Commonwealth Court	08
26	04/16/07	Order, Re: Document filed April 4, 2007, by Plaintiff is Dismissed. Nancy Smith not joined as an additional defendant. Defendant's Preliminary Objections to Plaintiff's Complaint will be decided without oral argument	01
27	05/09/07	Defendant's Preliminary Objections to Plaintiff's Complaint	20
28	05/10/07	Motion for Production of Documents and Things	03
29	05/11/07	Order, Re: Preliminary Objections	01
30	05/18/07	Praeipe to Reinstate Complaint	01
31	05/23/07	Plaintiff's Response to the Defendant's Preliminary Objections	32
32	05/25/07	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections	01
33	06/08/07	Opinion and Order, Re: Defendants' Preliminary Objections are Granted. Complaint is Dismissed with Prejudice	10
34	06/11/07	Notice of Removal	29
35	06/20/07	Objections to Notice of Removal	02
36	06/21/07	Notice of Appeal	01
37	06/21/07	Request to Continue In Forma Pauperis Status on Appeal	02
38	06/21/07	Certificate of Service	01
39	06/25/07	Order, Re: Pro Se request to Continue In Forma Pauperis Status is Granted for purposes of appeal	01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1172-CD

Trevor Mattis

VS.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
40	06/28/07	Order from U.S. District Court for the Western District of PA, Re: Motion to Strike Notice of Removal Granted. Matter is remanded to Court of Common Pleas of Clearfield County	02
41	07/05/07	Commonwealth Court of PA, Notice of Docketing Appeal, Comm. Court No. 1164 CD 2007	02

FILED

JUL 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

July 2, 2007

RE: Mattis v. Patrick et al
No.: 1164 CD 2007
Agency Docket Number: No. 06-1172-CD
Filed Date: June 21, 2007

FILED
JUL 05 2007
William A. Shaw
Prothonotary/Clerk of Courts

Notice of Docketing Appeal

A Notice of Appeal from an order of your court has been docketed in the Commonwealth Court of Pennsylvania. The Commonwealth Court docket number must be on all correspondence and documents filed with the court.

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

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

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

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

Notice to Counsel

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

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

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

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

Attorney Name	Party Name	Party Type
Suzanne Noelle Hueston, Esq.	George Patrick	Appellee
Robert B. MacIntyre, Esq.	George Patrick	Appellee
Trevor Mattis	Trevor Mattis	Appellant

(41)

Address all written communications to:

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

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

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

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

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

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

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

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

TREVOR MATTIS, :
Plaintiff, :
v. : Case No. 3:07-cv-137-KRG-KAP
DEPARTMENT OF CORRECTIONS, :
et al., :
Defendants :

06-1172-CD

ORDER

Defendants removed this matter, originally filed at 2006-1172-CD in the Court of Common Pleas of Clearfield County, to this court. 42 U.S.C. §§ 1441(a), 1443. Defendants have discovered, inter alia, that their notice of removal was untimely and now move to strike their notice of removal. docket no. 4. The motion is granted, and this matter is remanded to the Court of Common Pleas of Clearfield County. The Clerk shall mark this matter closed.

DATE:

June 26, 2007

Keith A. Pesto
Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record, and by U.S. Mail to:

Trevor Mattis BH-3126
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

William A. Shaw, Jr., Esquire
Office of the Prothonotary & Clerk of Court
230 E. Market Street
Clearfield, PA 16830

FILED

JUN 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFIED FROM THE RECORD

Date JUN 26 2007

ROBERT V. BARTH, JR., CLERK

By Patricia Price

Deputy Clerk

#40

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF PENNSYLVANIA
SUITE 208, PENN TRAFFIC BUILDING
319 WASHINGTON STREET
JOHNSTOWN, PA. 15901
WWW.PAWD.USCOURTS.GOV

ROBERT V. BARTH, JR.
CLERK OF COURT
814-533-4504

IN REPLYING, GIVE NUMBER
OF CASE AND NAMES OF PARTIES

DATE: June 26, 2007

Clerk of Courts
County of Clearfield
230 E. Market Street
Clearfield, PA 16830

IN RE: MATTIS v. DEPT. OF CORRECTIONS, et al.

CIVIL ACTION NO. 3:07-cv-137

STATE COURT NO. 2006-1172-CO

Dear Sir or Madam:

I am enclosing herewith a certified copy of the order entered by the
Honorable Judge Keith A. Pesto in the above entitled case on June 26, 2007, which remands
this matter to your court.

Very truly yours,

ROBERT V. BARTH, JR.
CLERK OF COURT

By: Patricia Price
Deputy Clerk

Enclosure

FILED

JUN 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al,
Defendants

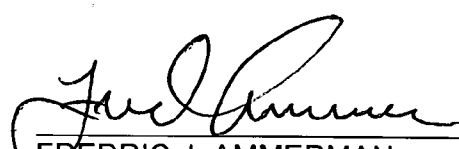
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*

NO. 06-1172-CD

ORDER

NOW, this 25TH day of June, 2007, the Court having received and reviewed the Plaintiff's *pro se* Request to Continue *in forma pauperis* Status on Appeal filed June 21, 2007, it is the ORDER of this Court that the Plaintiff's *pro se* request be and is hereby GRANTED for purposes of his appeal to the Commonwealth Court.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
JUN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts
ICC Piff
ICC Comm. Crt.

(GR)

#39

FILED

JUN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et. al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motion was mailed on June 14, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa. 17011

Trevor Mattis
Trevor Mattis (pro-se)

FILED

JUN 21 2007

m/v:30/0
William A. Shaw

Prothonotary/Clerk of Courts

N. C. B. - COPIES

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et. al
 defendants

REQUEST TO CONTINUE IN FORMA PAUPERIS STATUS ON APPEAL

Now comes plaintiff, Trevor Mattis, to request that this court
grant him permission to continue in In Forma Pauperis status on his
appeal.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

June 14, 2007

FILED

JUN 21 2007

M/11:30/2

William A. Shaw

Prothonotary/Clerk of Courts

1 CENT TO COMM.
COURT.

~~copy to file~~

PAGE 2
C-B-1026

INM ACCOUNTS SYSTEM
MONTHLY ACCOUNT STATEMENT

06-13-2007
739 HOU

INMATE NUMBER	NAME LAST	FIRST	MI
BH3126	MATTIS	TREVOR	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
3340	06-04-2007	38 INSIDE PURCHASES VENDACARD 6-04-07	-5.00	52.37
3364	06-06-2007	37 POSTAGE CHARGES: 6/6/07	-.17	52.20
8158	06-07-2007	32 HOU COMMISSARY FOR 6/07/2007	-36.21	15.99
3406	06-08-2007	38 INSIDE PURCHASES VENDACARD 6/8/07	-5.00	10.99

NEW BALANCE AS OF THIS STATEMENT -----> 10.99

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

NOTICE OF APPEAL

Now comes plaintiff Trevor Mattis pursuant to Pa rules of Civil
Procedure 905 to give notice he intends to appeal the order of Judge
Fredric Ammerman dismissing civil complaint 06-1172-CD on June 8,
2007

Respectfully submitted,

Trevor Mattis

Trevor Mattis (pro-se)

June 14, 2007

FILED

JUN 21 2007

m 11:30/12

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO

Comm. Court.

#310

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et al
 defendants

OBJECTION TO NOTICE OF REMOVAL

Plaintiff objects to the defendants attempt to remove complaint 06-1172-CD from the Court of Common Pleas of Clearfield County to the United States District Court for the Western District of Pennsylvania

The District Court lacks jurisdiction of plaintiff's state complaint pursuant to 28 USC§1446(b) as the defendants were served on or about 4-13-07, therefore, the Notice of Removal was filed more than 30 days after the receipt of plaintiff's complaint

Whereas the Notice of Removal is untimely this change of venue has been waived and therefore should be denied.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

June 17, 2007

FILED

JUN 20 2007

W/11:00/c
William A. Shaw
Prothonotary/Clerk of Courts
No. Clearfield

#35

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motion was mailed on June 18, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa 17011

Trevor Mattis
Trevor Mattis (pro-se)

OJS-44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>Trevor Mattis</u> (b) County of Residence of First Listed <u>Clearfield</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys <u>Trevor Mattis, BH-3126, Pro Se.</u> <u>State Correctional Institution at Houtzdale, P.O. Box 1300, Houtzdale, PA 16698</u> (Firm Name, Address, and Telephone Number)	DEFENDANTS <u>Department of Corrections, et al.</u> County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys <u>Douglas B. Barbour, Deputy Attorney General, 412-565-2560</u> <u>Office of Attorney General, 564 Forbes Ave., 6th Floor Manor Complex, Pgh. PA 15219</u> Attorneys (If Known) _____
--	--

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): _____ Brief description of cause: <u>42 U.S.C. § 1983</u>
----------------------------	---

VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/> DEMAND \$ <u>1,000,000+</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--	---

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
-------------------------------------	---------------------------------	---------------------

DATE June 7, 2007SIGNATURE OF ATTORNEY OF RECORD /s/ Douglas B. Barbour

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

#341

JS 44AREVISED OCTOBER, 1993

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

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the ☐ Erie ☒ Johnstown ☐ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.

2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.

3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in Clearfield County and that the Plaintiff _____ resides in Clearfield County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____ Judge _____
2. ☒ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

1. **CIVIL CATEGORY** (Place x in only applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas Corpus
4. ☒ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

DATE June 7, 2007 ATTORNEY ATTORNEY AT LAW /s/ Douglas B. Barbour

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

06-1172-CD

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

TREVOR MATTIS,

Plaintiff,

v.

DOC, GEORGE PATRICK CO
TAYLOR, LT. SMITH, CAPT. IRWIN,
CO BRAHIM, LT. HARRIS, UNIT
MANAGER EVERHART, R. REED,
CO CADWALLADER, SGT. JONES,

Defendants.

Civil Action No. 07-137

FILED No cc
JUN 11 2007 (6K)

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF REMOVAL

AND NOW come the defendants, the Department of Corrections, George Patrick, CO Taylor, Lt. Smith, Capt. Irwin, CO Brahim, Lt. Harris, Unit Manager Everhart, R. Reed, CO Cadwallader, and Sgt. Jones, by their attorneys Thomas W. Corbett, Jr., Attorney General, Douglas B. Barbour, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, pursuant to 28 U.S.C. §§ 1441 and 1446, and hereby remove the above-captioned action from the Court of Common Pleas of Clearfield County to the United States District Court for the Western District of Pennsylvania. Grounds in support of removal are as follows:

1. Plaintiff commenced this civil action by Complaint on or about June 26, 2006, in the Court of Common Pleas of Clearfield County at Number 2006-1172-CD. A copy of the Complaint is attached as Exhibit "A".
2. On or about May 18, 2007, the Complaint was reinstated. The Complaint was then hand-delivered to SCI-Houtzdale by the Clearfield County sheriff on or about

#34

May 31, 2007.

3. The Complaint purports to raise civil rights claims under 42 U.S.C. § 1983 against the defendants for alleged violations of plaintiff's First, Fifth, Eighth, and Fourteenth Amendment rights, as well as certain state law claims.

4. This Court has original jurisdiction over plaintiff's federal actions pursuant to 28 U.S.C. §§ 1331 and 1343. Accordingly, defendants are entitled to remove the action to this Court pursuant 28 U.S.C. § 1441(a) and (b).

5. This Notice of Removal is being filed within 30 days after receipt of plaintiff's state court complaint by defendants, as required by 28 U.S.C. § 1446(b).

6. Copies of this Notice of Removal will be duly filed with the Prothonotary of the Court of Common Pleas of Clearfield County and served upon plaintiff.

7. In removing this action, defendants do not waive their objections to defects in service or improper service, or any defenses, including without limitation, defenses available by virtue of the Eleventh Amendment to the United States Constitution or under the Pennsylvania Sovereign Immunity Act.

Respectfully submitted,

Thomas W. Corbett, Jr.,
Attorney General

By: /s/ Douglas B. Barbour
Douglas B. Barbour
Deputy Attorney General
Attorney I.D. No. 94105

Office of Attorney General
564 Forbes Avenue, Manor Complex
Pittsburgh, PA 15219
Phone: (412) 565-7680
Fax: (412) 565-3028

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

Date: June 7, 2007

CERTIFICATE OF SERVICE

I, Douglas B. Barbour, counsel for moving defendants, hereby certify that on June 7, 2007, I caused a true and correct copy of the foregoing document titled Notice of Removal to be served via First-Class U.S. mail, to all parties as follows:

Trevor Mattis
BH-3126
SCI-Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

William A. Shaw, Prothonotary
Clearfield County Courthouse
230 E. Market St.
Clearfield, PA 16830

/s/ Douglas B. Barbour
Douglas B. Barbour
Deputy Attorney General

Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

June 7, 2007

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

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FEB 02 2007

TREVOR MATTIS,

CIVIL DIVISION

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

Plaintiff

v

NO 2006-1172-CO

DOC, George Patrick, CO Taylor,
Lt Smith, Capt. Irwin,
CO Prahm, Lt Harris,
Unit Manager Everhart, R. Reed,
CO Cadwallader, Sgt. Jones
(Defendants)

COMPLAINT FOR: Retaliation, Cruel
and Unusual Punishment, Replevin
Conversion, Discrimination, Viola-
tion of Due Process, Official Op-
pression, Unsworn Falsification

NOTICE TO DEFEND

You have been sued in court. The petition set forth in the following
pages requests the court to determine the amount which should be
credited against any liability you may have to the petitioner. You
must take action within twenty days after this petition and notice is
served upon you by entering a written appearance personally or by an
attorney and file in writing with the court your defence or objections
to the matters set forth in the petition. You are warned if you fail
to do so, the case may proceed without you, and a judgement may be
entered against you by the court without any further notice for any
claim of relief requested by the petitioner. You may lose money or
property, or 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.

William A. Shaw
Prothonotary/
Clerk of Courts

Attest.

Office of Chief Counsel
55 Utility Drive, P O Box 598
Camp Hill PA 17001-0598

MAY 18, 2007 Document PLAINTIFF

Reinstated/Reassigned to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

FEB 02 2007

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

RECEIVED
PROTHONOTARY'S OFFICE
5-18-07
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

Trevor Mattis BH-3126, pro-se plaintiff alleges:

- 1 I, Trevor Mattis BH-3126, an inmate incarcerated at State Correctional Institution Houtzdale, P O Box 1000, Houtzdale PA 16698-1000 is the plaintiff in the above mentioned action To my knowledge and upon information and belief, all defendants named in this action are employees of the Department of Corrections and in the things alleged in this complaint were acting under the color of the State in the scope of their employment relationship This is a civil matter involving the employees of SCI-Houtzdale
- 2 Defendant, Commonwealth of Pennsylvania Department of Corrections is an agency and a party of the Commonwealth duly created and existing under the applicable State law and has an office of process and service at 55 Utility Dr P O Box 598, CampHill PA 17001-0598
- 3 Defendant, DDC was through the period August 2004 to June 2006 were through its subordinates providing custody and care of plaintiff
- 4 Defendants, Mr George Patrick, Lt Harris, Mr J Everhart, Lt Smith, CO Taylor, CO Brahim, Capt Irwin, R Reed, Sgt Jones, and CO Cadwallader have an office to receive this complaint and notice to defend at 55 Utility P O Box 598, CampHill PA 17001-0598
- 5 All named defendants between the period August 2004 to June 2006 acted individually or collectively or in the alternate and may be liable accordingly
- 6 Plaintiff has been targeted for harassment, intimidation, discrimination, and retaliation by various staff at SCI-Houtzdale
- 7 On February 21, 2005 plaintiff was summarily taken to the RHU under investigation
- 8 During this investigation the administration discovered plaintiff

had initiated a civil complaint against staff at SCI-Graterford

9. In retaliation CO Taylor and Lt Smith forced plaintiff to ship or destroy 3 boxes of his legal documents.

10 CO Taylor told plaintiff he won't be filing any more complaints

11 Plaintiff protested vociferously and requested to speak to a Lt

12 Lt Smith came and plaintiff explained that this was an act of retaliation by the administration and his Constitutional rights were being violated

13 Plaintiff explained that this illegal tactic of intimidation was done to him at SCI-Somerset before and he would go to the courts

14 Lt Smith told plaintiff he didn't care about the constitution this is how "we do it at Houtzdale", then went on to comment "you won't be writing any more books around here "

15 Plaintiff requested a confiscation slip and an opportunity to resolve the matter through the grievance process in accordance to DOC policy DC-ADM 804

16 Lt Smith denied his request

17 Plaintiff noticed his manuscript on 'Prison Abuse in Pennsylvania' was not among his property and enquired as to its whereabouts

18 Plaintiff was told to see security

19. Plaintiff was then forced to ship or destroy his legal materials

20 As a direct or proximate result plaintiff lost transcripts, notes, affidavits, and irreplaceable legal research. (See Exh A)

21 As a direct or proximate result plaintiff's access to the courts was severely frustrated and/or hampered

22 CO Grove who was present when plaintiff desperately tried to stop his legal materials from forcibly being shipped or destroyed came to

plaintiff in confidence and said what CO Taylor and Lt Harris did was wrong

23 CO Grove who heard plaintiff tell Lt Harris he would file a law suit regarding the egregious violations of his rights asked plaintiff not hold him accountable

24 Plaintiff promised not to hold him accountable as long as when the time came he spoke the truth as to what his co-workers did

25 Plaintiff was released from the RHU 2 weeks later and on 3-10-05 filed a grievance about his missing property (See Exh R)

26 On 3-31-05 plaintiff was called to security and some of his missing property was returned but not his manuscript.

27 Plaintiff complained to Capt Irwin or Tice and was asked where is the proof there was a manuscript

28 Plaintiff responded you've the proof the same way you had the proof for all the property being returned now

29 Plaintiff then asked why he was never given a confiscation slip for all the property security confiscated, some of which plaintiff himself was not even aware was missing, in accordance to DOC policy DC-ADM 154A

30 Capt Irwin ignored plaintiff

31 On 1-5-06 6:40am plaintiff was called for a random urine test

32 It is a well known fact plaintiff suffers from some type of medical condition that causes him to have problems providing a urine sample on command which must be done in an arbitrary period of 2hrs [Note no medical evidence exists that a person drinking a cup of water will be able to provide a urine sample in 2hrs].

33 Plaintiff had the urge to urinate but he also had the urge to move

his bowels

34 Plaintiff explained his predicament to CO Brahim and requested to be allowed to sit on the commode while he gave the urine sample in order to avoid an embarrassing situation CO Brahim denied the request (note plaintiff suspects CO Brahim is involved in the confiscation/theft of his manuscript)

35 Plaintiff pleaded and explained it was physically impossible for him to provide the urinate sample without defecating on himself

36 CO Brahim laughed at plaintiff's predicament and said he wants to see plaintiff shit himself Either he does that or be taken straight to the RHII

37 Plaintiff made more desperate pleas to CO Brahim All Plaintiff's pleas were denied and plaintiff forced to defecate on himself in order to provide the required urine sample CO Brahim then laughed at plaintiff

38 Plaintiff was then forced to walk back to his block through the general inmate population in an unclean state and smelling foul

39 Plaintiff was subjected to the jeers and ridicule of the general inmate population

40 As a direct result plaintiff was embarrassed, degraded, humiliated, and dehumanized (See Exh C)

41 On or about 5-15-06 at approximately 7:00pm CO Sloan let plaintiff out his cell to go to music class

42 When plaintiff arrived at Activities he was told by CO Kephart to return to the block because he was 5 minutes early

43 Lt Harris who has targeted plaintiff for harassment, intimidation, discrimination, and retaliation called CO Sloan and

ordered him to issue a misconduct against plaintiff for being in an unauthorized area

44 Various other inmates arrived immediately after plaintiff and Lt Harris told them to return to the block but did not order that they be issued misconducts Plaintiff was his only target

45 CO Sloan issued a misconduct against plaintiff for being present in an unauthorized area (See Exh D)

46 The Shift Commander deemed this to be a minor infraction and referred the misconduct for an informal hearing (An informal hearing subjects plaintiff to a maximum sanction of 7 days cell restriction and the misconduct automatically expunged from the record)

47 Unit Manager Everhart who has also targeted plaintiff for harassment, intimidation, discrimination, and retaliation was responsible to meet with plaintiff and conduct the informal hearing

48 According to DOC policy DC-ADM 801 this hearing must be held within 7 days or the misconduct is automatically dismissed (See Exh E)

49 Mr Everhart refused to meet with plaintiff as required by DOC policy

50 Instead, on the 8th day, without justification, Mr Everhart referred the misconduct to the more severe forum of a formal hearing This was retaliation and a deliberate attempt to expose plaintiff to a harsher punishment and permanently tarnish plaintiff's institutional record

51 On 5-26-06 plaintiff went to a formal hearing for the misconduct

52 The hearing examiner was Mr R Reed

53 Plaintiff explained that as a matter of law the misconduct must be

dismissed because Mr Everhart violated DC-ADM 801

54 Plaintiff referred Mr Reed to the rule in the DOC inmate handbook which specifically states; for misconducts referred for an informal resolution the Unit Manager must meet with the inmate within 7 days of the misconduct being served

55 Plaintiff explained that Mr Everhart neither met with him nor resolved the misconduct within the 7 day time frame allowed

56 Mr Reed noted the rule and told plaintiff he was going to ignore the clearly stated rules and procedures in order to find him guilty (See Exh F)

57 Mr Reed then imposed a severe 15 day sanction of Lost of Privileges(LOP) specifically lost of tv, radio, telephone, and yard

58 When plaintiff returned to his cell CO Cadwallader confiscated his tv and radio

59. CO Cadwallader discriminated against plaintiff because he did not confiscate other inmates tvs and radios when they were given the same sanction of LOP

60 As a matter of fact Mr Cadwallader told inmates he doesn't confiscate tvs or radios because there is no secure place on the block to hold the appliances

61 This is clear proof he targeted plaintiff for differential treatment

62 Plaintiff requested that CO Cadwallader inspect his tv and radio to verify that when he received the items they were in perfect working order

63 This request was granted and witnessed by Sgt Ohler

64 On 6-9-06 plaintiff's tv was returned damaged and had to be sent

out for repairs (See Exh G)

65 Plaintiff filed a grievance and requested that Mr Everhart be recused from addressing the grievance because of his personal agenda against plaintiff Plaintiff's request was denied and Mr Everhart allowed to investigate his own civil conspiracy against plaintiff. (See Exh G-2)

66 Mr Everhart suborned his crony Sgt Jones to falsely claim he checked plaintiff's tv and radio when they were returned and they were in perfect working order (See Exh G-2)

67 From 5-26-06 to 6-0-06 plaintiff was denied all recreation and confined to his cell 24hrs per day (See Exh H)

68 Plaintiff attempted to start a chapter of the NAACP in accordance with DC-ADM 822

69 Plaintiff's request/proposal was arbitrarily denied and he was told that such an organization will never be allowed in SCI-Houtzdale (See Exh I)

COUNT ONE

Plaintiff re-alleges and incorporates by reference paragraphs 1-69 as though the same were fully set forth herein at length

Plaintiff avers that the actions or inactions of George Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, Sgt Jones, and CO Cadwallader:

1 Violated plaintiff's First, Fifth, and Fourteenth Amendment rights, 42 U S C A § 1983, Pa Const Art 1. §§ 1, 26, 42 Pa C S A §§ 9791-9799.7, Const Art 1, §26, Art 9, 18 Pa CSA 4904 & 4911

The above incident is alleged to have taken place between August 2004 and June 2006

FIRST CAUSE OF ACTION
Retaliation

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed and CO Cadwallader committed the tort of retaliation

SECOND CAUSE OF ACTION
Violations of First Amendment Rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: G Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, and CO Cadwallader violated his First Amendment rights

THIRD CAUSE OF ACTION
Discrimination and violation of Equal Protection rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41 through 67 Plaintiff alleges: J Everhart, Lt Harris, CO Cadwallader discriminated against plaintiff and violated his Equal Protection rights

FOURTH CAUSE OF ACTION
Violation of Due Process

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges: CO Taylor, Lt Smith, Capt Irwin, J Everhart, Lt Harris, CO Cadwallader, R Reed violated his right to Due Process

FIFTH CAUSE OF ACTION
Cruel and Unusual Punishment

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges G Patrick, Capt Irwin, CO Brahim and CO Cadwallader subjected him to cruel and unusual

punishment

SIXTH CAUSE OF ACTION
Violation of Copy Right Protections

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim violated his copy rights protection by confiscating his manuscript

SEVENTH CAUSE OF ACTION
Replevin, Conversion

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 30 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim illegally deprived him of his manuscript and committed the torts of conversion and/or replevin

EIGHT CAUSE OF ACTION
Civil Conspiracy

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Lt Harris, Mr Everhart, CO Cadwallader, Sgt Jones, and George Patrick engaged in a civil conspiracy to deny him his constitutional rights

NINTH CAUSE OF ACTION
Obstruction of justice, Unsworn falsification

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 65-66 Plaintiff alleges Mr Everhart and Sgt Jones obstructed justice and made false statements on an official government document

TENTH CAUSE OF ACTION
Official Oppression

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Mr Everhart and Sgt Jones engaged on official oppression

RELIEF REQUESTED

Wherefore plaintiff requests this Honorable Court to:

A Set this case down for a trial by jury

B Plaintiff prays for judgement against the defendants as follows:

On the First Cause of Action

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Second Cause of Action:

- a) For compensatory damages in the sum of \$5,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Third Cause of Action:

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief the Court deems fit

On the Fourth Cause of Action:

- a) For compensatory damages in the sum of \$15,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief as the Court deems fit

On the Fifth Cause of Action:

- a) Compensatory damages in the sum of \$50,000
- b) For emotional damages in the sum of \$100,000
- c) For punitive damages in the sum of \$200,000
- d) For any other relief as the Court deems fit

On the Sixth and Seventh Cause of Action:

- a) For compensatory damages in the sum of \$50,000

- b) For punitive damages in the sum of \$150,000
- c) For any other relief as the Court deems fit

On the Eight, Ninth, and Tenth Cause of Action:

- a) For compensatory damages in the sum of \$2,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

Plaintiff may recover damages pursuant to 42 Pa C S A 8522 of which neither the Department of Corrections nor defendants have a waiver for the lost of financial compensation accrued by the lost, theft, or destruction of plaintiff's original manuscript. Wherefore, plaintiff asks that by reason of cause or action and inaction set forth in this complaint relating to the above defendants, the Court consider and kindly render judgement in the plaintiff's favor. Plaintiff is entitled to compensation for violation of his First Amendment that supposed to have protected him from retaliation, discrimination, given him access to the Courts, and protected his freedom of expression. Plaintiff is entitled to compensation for violation of his Fourteenth Amendment that was supposed to have protected him from the illegal deprivation of his property. Due Process, and the right to be free from cruel and unusual punishment and discrimination.

At all times in question and material to this complaint, those defendants in management, supervisory, or administrative positions were acting in the scope of their job relationship under the color of the Commonwealth and/or making decisions as individuals.

Respectfully Submitted,

SIGNED: Trevor Mott

Executed on this 28th day of June 2006

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112079
GRIEVANCE NUMBER

INMATE GRIEVANCE

GRIEVANCE COORDINATOR	FACILITY	DATE
Doris Chenchaiah	SCI-Hortdale	3-11-05
INMATE NAME & NUMBER	SIGNATURE OF INMATE	
Matthew Matis	T. Matis	
WORK ASSIGNMENT	HOUSING ASSIGNMENT	
	JA-10	

INSTRUCTIONS

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

Provide a brief clear statement of your grievance. Additional paper may be used for additional two pages.

On 2-27-05 plaintiff was taken to the RHU. On 3-1-05 my property was returned. Plaintiff possessed one footlocker and one record center box of personal property. In addition plaintiff possessed 4 1/2 boxes of legal materials. Plaintiff has 5 active cases presently in the courts and in all cases plaintiff is a pro se litigant. One such case is a civil action against this administration. Lt. Smith told plaintiff he would only be allowed a footlocker worth of personal property and a record center boxes of legal material the rest must be shipped or destroyed immediately. Plaintiff protested for his clothing and shoes and rugs all provided for and in the amount allowed by DC-ADM 815 VI (11)(b) bills his footlocker to the facility and explained his (unhappy) recent purchase as allowed by DC-ADM 815 bills a record center box. Plaintiff further explained to Lt. Smith in accordance to ADM-815 he was allowed 4 record center boxes of personal property.

- B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Doris Chenchaiah
Signature of Facility Grievance Coordinator

3/21/05
~~3/21/05~~
Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised
December 2000

DC-804

Part 1

Exh B
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
 P.O. BOX 595
 CAMP HILL, PA 17001-0595

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

112074

OFFICIAL INMATE GRIEVANCE

TO FACILITY GRIEVANCE COORDINATOR Ms. Christina Wilson	FACILITY SCI - Muncie	DATE 3-10-05
FROM INMATE NAME & NUMBER Michael Kasimir 112074	SIGNATURE OF INMATE [Signature]	
WORK ASSIGNMENT —	HOUSING ASSIGNMENT 4-E-07 JA-16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

On 2-27-05 I was summarily taken to the KNU. On 3-6-05 my property was inventoried. Missing were my keyboard chords and adapters, a manuscript, 10 essays and short stories, legal materials, 2 photo tickets, 6 ice cream tickets, transcripts, drawings, and affidavits, photo copy card with 25 and 10 holes with important names, addresses and phone numbers.

Plaintiff requests an immediate return of all the above. In the event they have been stolen or destroyed plaintiff seeks \$105,000.00 in compensatory damages and \$100,000.00 in punitive damages.

Be list actions taken and staff you have contacted before submitting this grievance.

Spoke to CO Taylor and Lt. Smith, and another CO.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Dorota Prenchanich

Signature of Facility Grievance Coordinator

3/14/05

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised
 December 2000

and

FOR OFFICIAL USE ONLY.

GRIEVANCE NUMBER

ACTIVITY GRIEVANCE COORDINATOR

Dr. Chanchai Lek

FACILITY:

SC-Hostzdale

DATE _____

4-5-06

FROM (GIVE NAME & NUMBER)

REF ID: A66388

SIGNATURE of INMATE

HOUSING ASSIGNMENT

WORK ASSIGNMENT:

Block Marker

12月2日

INSTRUCTIONS

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

- A. Provide a brief, clear statement of your grievance. State all relief that you are seeking. Additional paper may be used, maximum two pages. (One DC-804 Part 1 form and one, one-sided 8 1/2" x 11" page).

On 1-5-08 plaintiff was called to R&D 6:40am for a urine test. When plaintiff attempted to provide a sample he became aware of an acute need to have a bowel movement. Plaintiff explained to CO John Doe that he had the urge for a bowel movement and requested to be allowed to sit on the commode while he gave the urine sample to avoid the unsanitary and embarrassing situation of defecating on himself. CO John Doe sneered and told plaintiff he will not be allowed to use the commode for a bowel movement and it's up to plaintiff to find a way to give a urine sample without having a bowel movement. Plaintiff pleaded with CO John Doe that it was humanly impossible to do such a thing. CO John Doe laughed and told plaintiff he doesn't care but he'd better find a way or he'll be going to the hole with shit in his pants. Then added gleefully "that would be an ugly sight." Plaintiff told CO John Doe he was being unreasonable and irrational. Plaintiff then went on to explain that he had this same problem on a previous occasion he was called for a urine and the CO allowed him to use the commode in the holding cell while he supervised to make sure plaintiff provided a urine sample in a proper manner and the sample was obtained without

(CONT)

- B. List actions taken and staff you have contacted, before submitting this grievance.**

Spoke to blk Sgt and Lt Arumbayh

Plaintiff seeks \$100,000.00 in punitive, compensatory and declaratory damages.

Your grievance has been received and will be processed in accordance with DC-ADM 804

Doratta Chendrasish
Signature of Facility Grievance Coordinator

Date _____

COMMONWEALTH OF PENNSYLVANIA

07 PaPa de 16-27 22

929906

☒ MISCONDUCT REPORT ☐ OTHER DEPARTMENT OF CORRECTIONS

OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)

DC Number	Name	I	W	DC Number	Name	I	W
STAFF	LT. Harris	X			5-16 UT		

Class I #42 Presence in an unauthorised area

On the above date and time I called Yendou T.

inmate Mattis (OH 3126) left the housing unit for Yard. At 1900 hrs (J. Herr) called from activities and informed me that inmate Mattis was in activities without a Pass or Permission. Inmate Mattis was a part of the Yardline movement and instead went to activities.

Refer to the Unit Management Team for an infan-
- Given a photo copy of this report by: ()

PRE-HEARING CONFINEMENT

IF YES

TIME

DATE _____

☐ YES☒ NO

☐ REQUEST FOR WITNESSES AND REPRESENTATION

☐ INMATE'S VERSION

REPORTING STAFF MEMBER
SIGNATURE AND TITLE

ACTION REVIEWED AND APPROVED BY
RANKING C.O. ON DUTY SIGNATURE AND TITLE

DATE AND TIME INMATE GIVEN COPY

DATE _____

TIME 24 HOUR BASE

YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER
DATE TIME

Misconduct Category

Signature of Person Serving Notice

☒ CLASS I

☐ CLASS 2

NOTICE TO INMATE

You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.

Exh. E

Inmate Handbook

Page 55

Misconduct Procedures

1. Misconduct written by staff member.
2. Misconduct is given to the inmate on the day it is written.
3. **DC-141 Part II (A), "Inmate Request for Representation and Witnesses"** to be submitted by 9:00 a.m. the day after the misconduct is served.
4. **DC-141 Part II (C), "Hearing Supplement, Inmate Version, and Witness Statement"** to be submitted by 9:00 a.m. the day after the misconduct is served.

Informal Resolution Meeting

1. Meeting is held within seven days of the misconduct being served.
2. Meeting is conducted by the Unit Manager/designee and at least one other Unit Management Team Member.
3. Assistance or witnesses are not permitted.

Informal Sanctions

1. no action;
2. reprimand and/or warning;
3. refer to Hearing Examiner for a formal misconduct hearing;
4. up to seven days cell restriction;
5. up to seven days loss of specific privileges (e.g., telephone, yard, day room, etc.);
6. one week loss of commissary; and/or
7. assignment of additional work duties for which you will not be paid; and/or payment for damaged/destroyed state property, with which you agree to pay. If you do not agree, the matter will be forwarded for a formal hearing.

Formal Hearing

1. Hearing will be scheduled no less than 24 hours or no more than seven working days, excluding weekends and State holidays, after notice of the misconduct is served.
2. Conducted by a Hearing Examiner.
3. Assistance or witnesses permitted as approved by the Hearing Examiner.

Misconduct Sanctions

If you are found not guilty, this will be recorded in writing and you will be given a copy. No reason is required for a not guilty decision. Any record of the misconduct will be removed from your record and kept in a separate file until you are released or transferred. If you are found guilty the sanction indicated below may be imposed:

1. placement in the RHU for a period not to exceed 90 days per misconduct charge;
2. cell restriction for a period not to exceed 30 days per misconduct charge. Cell restriction is total confinement to general population cell, dorm area or cubicle, except for meals, showers, one formal religious service per week, commissary, law library and one 1-hour specified daily exercise period. Participation in programs, school, work is suspended;
3. loss of privileges for a prescribed period. Privileges lost must be specifically identified and shall, where possible, be related to the misconduct violation. Privileges include television, radio, telephone, and commissary for up to 180 days, visiting suspension or restriction for up to 60 days, yard and blockout;
4. loss of job assignment (this is mandatory for a guilty finding of misconduct charges #1 - #34);
5. assessment of costs as a result of the your behavior;
6. reprimand, warning, counseling;
7. final disposition of confiscated contraband;
8. revocation of pre-release status and/or outside program codes; and/or
9. limitation of commissary privileges to ten dollars (\$10.00) a week for up to one year following a finding of guilt for a misconduct involving gambling.

Exh. F

IC-141 Part 2B		COMMONWEALTH OF PENNSYLVANIA			
ev. 6-84		DEPARTMENT OF CORRECTIONS			
DISCIPLINARY HEARING REPORT					
DC Number BH-3126	Name MATTIS, Trevor	Facility SCI-HOU	Hearing Date 5-26-06	Hearing Time 0930	No. from Part 1 929906
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	

HEARING ACTION

CHARGES 43 = Presence in an unauthorized area.

FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED

INMATE MATTIS PLEADS NOT GUILTY. Provides a written version. Inmate Mattis ~~was~~ WAS ON A CALL OUT TO GO TO MUSIC CLASS IN ACTIVITIES. However, Inmate Mattis did NOT INFORM THE Corrections OFFICER WHERE HE WAS GOING. HE believes the Staff members written Report over the denial OF Inmate Mattis, that INMATE MATTIS DID NOT INFORM THE Co where he was going, to which placed him in AN UNAUTHORIZED AREA. Inmate Mattis was reevaluated for informal resolution ON 5-23-06, THE 6TH WORKING DAY AFTER MISCONDUCT WAS WRITTEN.

GUILTY: #43 - 15 days Loss of Privileges effective 5-26-06

NO TV, TELEPHONE, RADIO, MAIL, BLOCKOUT OR ACTIVITIES.

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen.	Informant Written version SEE APPENDICES Witness Request
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The circumstances of the charge have been read and fully explained to the inmate.	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The opportunity to have the inmate's version reported as part of the record was given.	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.	

NAME(S) OF HEARING EXAMINER/COMMITTEE
(TYPED OR PRINTED)

R. Reed, Hearing Examiner

Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.

R. Reed

SIGNATURE OF HEARING EXAMINER/COORDINATOR

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMPHILL, PA 17001-0598

FOR OFFICIAL USE ONLY

155079
GRIEVANCE NUMBER

FACILITY GRIEVANCE COORDINATOR Dorothy Chenevix		FACILITY SCI-Hautsheim	DATE 6-13-06
FROM (INMATE NAME & NUMBER) Trevor Matia SN-3126		SIGNATURE OF INMATE <i>Trevor Matia</i>	
WORK ASSIGNMENT Mail Worker		HOUSING ASSIGNMENT B-2A	
INSTRUCTIONS:			
<p>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p>			
<p>A. Provide a brief, clear statement of your grievance. Additional pages may be used (maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.</p> <p>On 5-26-06 I was sentenced 15 days LOP (tv, radio, telephone, yard) by hearing examiner R. Reed. As soon as I got back to the block from the hearing CD Cadwellader came and confiscated my radio and tv. I requested that my tv and radio be checked and verified they were needed over to perfect working order. My request was granted it was checked by CD Cadwellader and witnessed by Sgt. Shier. On 5-9-06 my radio and tv was returned by Sgt. Jones and it no longer functioned properly. I will have to send it out to be repaired. Plaintiff has been targeted for harassment, intimidation, and discrimination by various white supremacist staff at SCI-Hautsheim and this is why. Plaintiff has been informed who had LOP (tv & radio) and Plaintiff has been informed by other inmates who had LOP (tv & radio) that their tv & radio were not taken. The same staff told them they don't do that on C-Block. If this is true this is further incontrovertible proof of violations of plaintiff's First Amendment rights of Level Protection.</p> <p>Plaintiff requests reimbursement for shipping and repair costs and a loaner tv for the time his tv will be out the institution.</p> <p>Plaintiff requests that this grievance not be resolved by Unit Manager Everhart.</p>			
<p>B. List actions taken and staff you have contacted; before submitting this grievance.</p> <p>Spoke to Block CD, Sgt. Jones</p>			

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Dorothy Chenevix
Signature of Facility Grievance Coordinator

6/14/06
Date

Exh. G-2

DC-ADM 804, Inmate Grievance System

Attachment B

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

155079

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Trevor Mattis, BH3126	SCI-Houtzdale	CB-28	06/13/06

The following is a summary of my findings regarding your grievance

Inmate Mattis has filed this grievance regarding his radio and television. He writes that on 5/26/06, he was sanctioned 15 days loss of privileges (TV, radio, telephone, yard) by the Hearing Examiner. As soon as he returned to the block from the hearing, CO Cadwallader confiscated his television and radio in perfect working order. On 6/9/06, COI Jones returned his property to him, and it no longer functioned properly. Mattis contends that he has been "targeted for harassment, intimidation and discrimination by various white supremacist staff at SCI-Houtzdale." He claims that other inmates on C Block who received LOP did not have their television or radio taken. Mattis is requesting reimbursement for shipping, repair costs and a "loaner" tv for the time his will be out of the institution. He also requests Unit Manager Everhart not resolve this grievance.

I interviewed CO Cadwallader and COI Jones regarding this grievance. CO Cadwallader reports that he did check the TV and radio when Mattis turned them in, and they were in working order. COI Jones reports that he checked the TV and radio when they were returned to Mattis, and they were in working order. Therefore, any problem with either item would have occurred after they were in Mattis' possession.

Mattis' sanction from the Hearing Examiner was loss of privileges. The privileges specified were yard, television, radio, telephone and activities. In sanctions such as this, the inmate would be required to turn in the television and radio for the duration of the restriction. If Mattis is aware of other inmates receiving loss of privileges but not needing to turn in their property, it is most likely that the privileges restricted didn't include radio or television.

With regard to Mattis requesting Mr. Everhart not resolve this grievance, the Grievance Coordinator makes these assignments as appropriate. Mattis cannot specify who handles his grievances.

Mattis' situation has been handled fairly and properly. His television and radio were in working order when turned in and when returned. Nobody is targeting him for anything. He is cautioned about making false statements about staff. He will not be reimbursed and is not entitled to a "loaner" television.

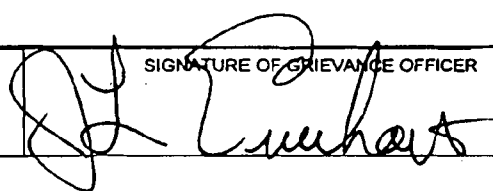
This grievance is denied.

C: Superintendent
Superintendent's Assistant
Deputies
Majors
DC-15
File

Print Name and Title of Grievance Officer

Jerry Everhart, Unit Manager

SIGNATURE OF GRIEVANCE OFFICER



DATE

06/23/06

Exh H

DC-804
Part 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

155080
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>D. Chencharick</i>	FACILITY <i>Sci-Houtzheim</i>	DATE <i>6-13-06</i>
FROM: (INMATE NAME & NUMBER) <i>Trevor Mathis BH 312L</i>	SIGNATURE OF INMATE <i>T Mathis</i>	
WORK ASSIGNMENT <i>Blk Worker</i>	HOUSING ASSIGNMENT <i>CR-29</i>	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted. <p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.</p> <p><i>Plaintiff was denied all yard from 5-26-06 to 6-9-06 as part of an LOP sanction. If cell restriction gets the yard then plaintiff should've been allowed the yard at least. This is a violation of the Fourteenth Amendment.</i></p> <p><i>Plaintiff requests Unit Manager Everhart not resolve this grievance</i></p> <p><i>Plaintiff seeks emotional and punitive damages</i></p> <p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p><i>Spoke to Cadaverbor</i></p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

[Signature]
Signature of Facility Grievance Coordinator

[Signature]
Date

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

NAME	LAST	FIRST	MIDDLE	DATE
17-26-05				
SIGNATURE OF INMATE				DATE
17-26-05				
HOUSING ASSIGNMENT				
30-18				

Section 6 - Clear statement of your grievance. Additional pages may be attached if needed. (Maximum of two pages)

I submitted a proposal to this administration for the formation of a chapter of the NAACP in this institution. It's been over 4 weeks and I have received no response to my request. The NAACP is the most prominent African American organization in this country. Many other institutions have a chapter. There is no pedagogical interest why a chapter of the NAACP cannot be allowed at SCI-Houston. This would be a demonstration and denial of Equal Opportunity.

8. If no actions taken and staff will have contact with offender in setting of his/her residence

Spoke to Deputy J. Thomas.

grievance has been received and will be processed in accordance with DC-ADM 804

Donna Chenshaw
Donna Chenshaw, Facility Grievance Coordinator

1/27/05
Date

Narushoff, Nancy

From: ecf_intake_pawd@pawd.uscourts.gov
Sent: Friday, June 08, 2007 1:40 PM
To: pawd_ecf@pawd.uscourts.gov
Subject: Activity in Case 3:07-cv-00137-KRG-KAP MATTIS v. DEPARTMENT OF CORRECTIONS, et al
"Notice of Removal"

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U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was received from Douglas B. Barbour entered on 6/8/2007 at 1:39 PM EDT and filed on 6/8/2007

Case Name: MATTIS v. DEPARTMENT OF CORRECTIONS, et al
Case Number: 3:07-cv-137
Filer: DEPARTMENT OF CORRECTIONS
LT. HARRIS
CAPT. IRWIN
UNIT MANAGER EVERHART
GEORGE PATRICK
SGT. JONES
CO TAYLOR
LT. SMITH
CO BRAHIM
R. REED
CO CADWALLADER

Document Number: 1

Docket Text:

NOTICE OF REMOVAL from Court of Common Pleas of Clearfield County, PA, case number 2006-1172-CD. Copies attached; original complaint with exhibits. (Filing fee \$ 350 receipt number 07000332), filed by LT. SMITH, CAPT. IRWIN, CO BRAHIM, LT. HARRIS, UNIT MANAGER EVERHART, R. REED, CO CADWALLADER, SGT. JONES, DEPARTMENT OF CORRECTIONS, GEORGE PATRICK, CO TAYLOR. (Attachments: # (1) Exhibit # (2) Civil Cover Sheet # (3) Receipt) (plp)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

6/8/2007

[STAMP dcecfStamp_ID=1098469114 [Date=6/8/2007] [FileNumber=941915-0]
[8bf49273aab1f5fc77a11a280d4495ede7a650034c67ba7564183b38cac30d9a94b9b
fa20a61d419ffd8f76025bb941386e5fd57fe941dcd4c22cb578a2ff979]]

Document description:Exhibit

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=6/8/2007] [FileNumber=941915-1]
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Document description:Civil Cover Sheet

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=6/8/2007] [FileNumber=941915-2]
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Document description:Receipt

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=6/8/2007] [FileNumber=941915-3]
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77f01b760aea19f5309ae3459fb924e4053fae9fd0fffe38f349ecf9eda]]

3:07-cv-137 Notice will be electronically mailed to:

Douglas B. Barbour dbarbour@attorneygeneral.gov, nnarushoff@attorneygeneral.gov;
pminahan@attorneygeneral.gov

3:07-cv-137 Filer will deliver notice by other means to:

TREVOR MATTIS
BH-3126
SCI Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

(A)

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

TREVOR MATTIS

Plaintiff

NO. 06-1172-CD

vs.

PENNSYLVANIA DEPARTMENT,
OF CORRECTIONS, et al,
Defendants

*
*
*
*
*
*

OPINION

Plaintiff is Trevor Mattis, an inmate previously incarcerated at the State Correctional Institution at Houtzdale (hereinafter, "SCI-Houtzdale"). On or about July 21, 2006, Plaintiff initiated a civil action by filing a Complaint and an *in forma pauperis* ("IFP") Petition. On July 27, 2006, this Court denied Plaintiff's IFP Petition. Later, on August 22, 2006, this Court dismissed Plaintiff's Complaint.

Following the denial of his IFP Petition, but prior to the dismissal of the Complaint, Plaintiff filed a Petition for Review with the Commonwealth Court. On August 14, 2006, prior to this Court's termination of Plaintiff's Complaint, the Commonwealth Court transferred the Petition for Review to Clearfield County.

On February 9, 2007, Defendants filed their first set of preliminary objections to the original complaint challenging the lack of service. It appears that the Plaintiff made proper service on the individual Defendants by Sheriff on April 13, 2007. Plaintiff's service of the named Defendants rendered the initial preliminary objection moot as to the individual Defendants. At issue is the second set of preliminary objections filed by the Defendants.

FILED

JUN 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

ICC D. M. K. Sell
Law Library
without memo

33

The first objection raised by the defense is that the Plaintiff has not properly served the Defendant Department of Corrections in accordance with the Pennsylvania Rules of Civil Procedure. Pennsylvania Rule of Civil Procedure 422 provides that:

"Service of original process upon the Commonwealth or an officer of the Commonwealth, or a department, board, commission or instrumentality of the Commonwealth, or a member thereof, shall be made at the office of the defendant AND THE OFFICE OF THE ATTORNEY GENERAL by handing a copy to the person in charge thereof." (Emphasis added).

In this case there is no indication from a review of the court file that the Plaintiff complied with the requirements of Rule 422. In Gallman v. Martin, 889 A.2d 649 (Pa. Cmwlth. 2005), the Commonwealth Court found that the Court of Common Pleas of Mercer County lacked personal jurisdiction over the Department of Corrections due to plaintiff's failure to effect service in accord with Pa.R.C.P. 422. Similarly, Plaintiff Mattis' failure to comply with Rule 422 is fatal to his claim against the Department of Corrections. See also Feigley v. Jeffes, 510 A.2d 385 (Pa. Cmwlth. 1986).

The second objection by the Defense is that Plaintiff has not stated a case upon which relief may be granted against Defendant George Patrick. From this Court's review of the complaint, it is clear that it fails to allege any actions by Defendant Patrick, let alone any actions that would serve as a basis for extending liability to him. The first mention of Defendant Patrick is in paragraph 4 of the complaint where it states "Defendants, [sic] Mr. George Patrick . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598." The next references to Defendant Patrick come in unnumbered paragraphs entitled Count One ("Patrick . . . violated plaintiff's First, Fifth and Fourteenth Amendment rights . . ."); Second Cause of Action ("Patrick . . . violated his First Amendment rights"); and Fifth

Cause of Action ("Patrick . . . subjected him to cruel and unusual punishment"). To state a claim, a plaintiff must allege specific facts to support its claim. The failure of Plaintiff to attribute **any** specific act to Defendant Patrick makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The Defendant's next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Robert Taylor. Here the first mention of Defendant Taylor is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Taylor . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-598." The next reference to Defendant Taylor is found in paragraph 9 of Plaintiff's complaint.

Plaintiff alleges that following his transfer to the Restricted Housing Unit of SCI-Houtzdale, Defendant Taylor, together with Defendant Smith, forced Plaintiff to ship or destroy three boxes of his legal documents. It is alleged that this action is in retaliation for an unrelated civil complaint Plaintiff has allegedly filed against staff at SCI-Graterford. In paragraph 10 of the complaint, Plaintiff further alleges that Defendant Taylor told Plaintiff that he [Plaintiff] won't be filing any more complaints.

Accepting these statements as true, which the Court must in addressing a demurrer, Plaintiff has failed to establish a legitimate cause of action. Specifically, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Taylor. Plaintiff does not allege that he has a right to an unlimited number of property boxes.

The amount of boxes available to an incarcerated individual is a matter which the court must accord substantial deference to the professional judgment of prison

administrators. Overton v. Bazzetta, 539 U.S. 126, 132 (2003). Further, the burden is not on the prison administrators to prove the validity of prison regulations but on the prisoner to disprove it. Jones v. North Carolina Prisoners' Labor Union, Inc., 433 U.S. 119, 128 (1977); O'Lone v. Estate of Shabazz, 482 U.S. 342, 350 (1987).

Plaintiff fails to allege any facts which would suggest that the limitation on boxes is improper or unconstitutional. Instead, Plaintiff alleges that Defendant Taylor's actions were retaliatory. To prevail upon a claim of retaliation, Plaintiff must plead that (1) the conduct which led to the alleged retaliation was constitutionally protected; (2) he suffered some adverse action that was sufficient to deter a person of ordinary firmness from exercising his constitutional rights; and (3) the constitutionally protected conduct was a substantial or motivating factor in the decision to take adverse action. Rauser v. Horn, 241 F.3d 330, 333 (3d Cir. 2001). Once more, the failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under this legal theory.

The next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant James B. Smith. The first mention of Defendant Smith is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Lt Smith . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598." The next reference to Defendant Smith is found in paragraph 9 of the Plaintiff's complaint.

Plaintiff alleges that following his transfer to the Restricted Housing Unit of SCI-Houtzdale, Defendant Smith, together with Defendant Taylor, forced Plaintiff to ship or destroy three boxes of his legal documents. It is alleged that this action is in retaliation

for an unrelated civil complaint Plaintiff has allegedly filed against staff at SCI-Graterford. In paragraph 14 of the complaint, Plaintiff further alleges that Defendant Smith told Plaintiff that he [Plaintiff] won't be writing any more books. The Court notes that the legal analysis for this objection is the same as set forth concerning Defendant Robert Taylor, and the Court hereby incorporates the same concerning CO Smith.

The next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Glenn Irwin. The first mention of Defendant Irwin is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Capt Irwin . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598." The next reference to Defendant Irwin is found in paragraph 30 of Plaintiff's complaint, where Plaintiff accuses Defendant Irwin of ignoring him.

Accepting these statements as true, Plaintiff has failed to establish a legitimate cause of action. Specifically, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Irwin. There is no right to be recognized. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The next preliminary objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Peter Brahim. The first mention of Defendant Brahim is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Brahim . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598." The next reference to Defendant Brahim is found in paragraphs 31 through 40 of Plaintiff's complaint, where Plaintiff accuses

Defendant Brahim of refusing to acquiesce to Plaintiff's requests for exemption from a standard urine test.

Accepting these statements as true, Plaintiff has failed to establish a legitimate cause of action. Specifically, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Brahim. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Brahim's actions in administering a urine test. Plaintiff fails to establish any entitlement to set his own rules for the administration of urine testing. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The Defendant's next preliminary objection is that the Plaintiff has not stated a case upon which relief may be granted against Defendant John Harris. The first mention of Defendant Harris is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Lt Harris . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 55, Camp Hill, PA 17001-0598." The next reference to Defendant Harris is found in paragraph 43 of Plaintiff's complaint, where Plaintiff accuses Defendant Harris of instructing Correctional Officer Sloan to issue a misconduct to Plaintiff.

Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Harris. In fact, Plaintiff was afforded a hearing on his misconduct and was adjudged guilty. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Harris's actions in directing a subordinate to issue a misconduct to Plaintiff. The failure of Plaintiff to plead facts

sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The next claim is that Plaintiff has not stated a case upon which relief may be granted against Defendant Jerry Everhart. Plaintiff's complaint fails to allege any actions by Defendant Everhart that would serve as a basis for extending liability to him. The first mention of Defendant Everhart is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Mr. J Everhart . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598." The next reference to Defendant Everhart is found in paragraphs 46 through 50 of Plaintiff's complaint, where Plaintiff accuses Defendant Everhart of improperly referring the misconduct for a formal hearing. Plaintiff also baldly alleges in paragraph 66 of the complaint that Defendant Everhart "suborned" another to make a false statement.

Again, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Everhart. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Everhart's actions in referring the misconduct for a formal hearing. There is no requirement of, nor entitlement to, an informal misconduct hearing. Further, Plaintiff produces no evidence to support an allegation of subornation of perjury. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The Defendant's next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Robert Reed. The first mention of Defendant Reed is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . R Reed . .

. have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598 Camp Hill, PA 17001-0598." The next reference to Defendant Reed is found in paragraphs 51 through 57 of Plaintiff's complaint, where Plaintiff accuses Defendant Reed of improperly conducting a misconduct hearing.

Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Reed. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Reed's actions. Specifically, Plaintiff refers to a "rule" which he insists requires the dismissal of a misconduct if not heard in seven days. In support thereof, Plaintiff has attached the "rule" to his complaint as Exhibit F. The exhibit fails to support Plaintiff's claim. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Todd Cadwallader. The first mention of Defendant Cadwallader is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Cadwallader . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598 Camp Hill, PA 17001-0598." The next reference to Defendant Cadwallader is found in paragraphs 59 through 61 of Plaintiff's complaint, where Plaintiff accuses Defendant Cadwallader of engaging in discriminatory conduct in physically confiscating Plaintiff's possessions.

Accepting these statements as true, Plaintiff has again failed to establish a legitimate cause of action. Specifically, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Cadwallader in compliance

with a direction ordering the Plaintiff to be denied radio and television privileges. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Cadwallader's actions in complying with a disciplinary instruction. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The next objection is that Plaintiff has not stated a case upon which relief may be granted against Defendant Jeremy Jones. The first mention of Defendant Jones is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Sgt Jones . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598 Camp Hill, PA 17001-0598." The next reference to Defendant Jones is found in paragraph 66 of Plaintiff's complaint, where Plaintiff accuses Defendant Jones of falsely claiming to have examined Plaintiff's television and radio and found them to be in "perfect working order".

Accepting these statements as true, Plaintiff has failed to establish a legitimate cause of action. Specifically, Plaintiff has failed to establish the violation of any constitutional right by the alleged actions of Defendant Jones. Plaintiff has failed to establish any injury or constitutional right which has been violated by Defendant Jones's actions. The failure of Plaintiff to plead facts sufficient to meet his burden makes it clear that Plaintiff is not entitled to obtain recovery under any legal theory.

The final objection is that the Plaintiff did not fully exhaust his administrative grievance prior to commencing this action. An inmate must exhaust all available administrative remedies before seeking redress from the courts. St. Clair v. Bd. of Prob. & Parole, 493 A.2d 146 (Pa. Cmwlth. 1985). A court is without power to act until all

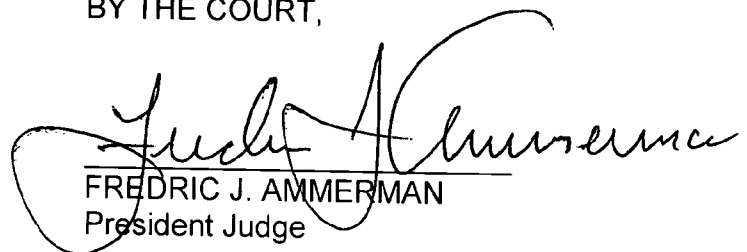
administrative remedies have been exhausted. Village Charter Sch. v. Chester Upland Sch. Dist., 813 A.2d 20 (Pa. Cmwlth. 2002).

Plaintiff has not alleged that he has taken any of the two available appeals to the denial of any grievance which is the subject of this action. His failure to exhaust his administrative remedies requires this Court to dismiss the action with prejudice.

ORDER

NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is the ORDER of this Court that the Defendants' Preliminary Objections are hereby GRANTED. The Plaintiff's Complaint is DISMISSED, with prejudice.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No: 06-1172-CD

George Patrick, et al
 defendants

ADDENDUM TO PLAINTIFF'S RESPONSE TO THE DEFENDANT'S
PRELIMINARY OBJECTIONS

108.1 It is contrary to usual DOC policy for a correctional officer not assigned to a particular station nor present or witness to an incident at that station to issue a misconduct pertaining to an incident at that station.

Where plaintiff in an unauthorized area in the Activities department, officer Kephart, the officer stationed at that location is the only officer with the jurisdiction to issue a misconduct for presence in an unauthorized area

It is highly unusual for a ranking officer to call a subordinate not witness to an incident in regards to issuing a misconduct which is outside the subordinate's jurisdiction

Respectfully submitted

Trevor Mattis
Trevor Mattis (pro-se)

May 23, 2007

FILED
MAY 25 2007
m/10:30/w
William A. Shaw
Prothonotary/Clerk of Courts
w C/C

#32

FILED

MAY 25 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

FILED

MAY 23 2007
m/10:05/2
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

TREVOR MATTIS
 plaintiff

v

No: 06-1172-CD

George Patrick, et. al
 defendants

PLAINTIFF'S RESPONSE TO THE DEFENDANT'S PRELIMINARY OBJECTIONS

1 "Preliminary objections in the nature of demurrers are to be sustained only where facts averred in a complaint are clearly insufficient to establish the pleaders right to relief " HCB Contractors v Liberty Place Hotel Associates, 652 A2d 1275 (Pa 1975)

2 A trial court may sustain a preliminary objection in the nature of demurrers only if after "all well pleaded material facts set forth in the complaint and all inferences fairly deducible therefrom those facts are accepted as true "it's found the plaintiff is not entitled to any relief " Small v Horn, 722 A2d 664 at 668.

3 It is clear that plaintiff's complaint alleges facts that entitle him to relief The law is well established that at the preliminary objection stage all well pleaded material facts and all inferences fairly deducible from those facts must be accepted as true. When this legal standard is applied to the instant case the defendants' preliminary objections should be denied in it's entirety

A Preliminary Objections of Defendant George Patrick

4 Defendant Patrick claims plaintiff's complaint fails to allege any actions by (him) let alone any actions that would serve as a basis for extending liability to him " (Prelim. Ob 16)

5 Defendant Patrick is the Superintendent at SCI-Houtzdale. He is in charge of the operations and management of SCI-Houtzdale and oversees all its policies and staff

6 All plaintiff's voluminous grievances in the administrative remedies available were ruled upon by defendant Patrick, 99 9% of which were denied

7 Defendant Patrick pays close scrutiny to all incidents involving plaintiff and therefore had direct knowledge and was fully aware of the details of plaintiff's grievances

8 In his capacity as supervisor defendant Patrick took no action to prevent, resolve, or properly address plaintiff's numerous complaints

9 Accepting all plaintiff's allegations as true, which the court must, a reasonable inference could be made that defendant Patrick enabled, aided, and abetted numerous abuses of plaintiff

10 In virtually all the responses to plaintiff's appeals defendant Patrick obfuscated, failed to address, ignored, or deliberately covered up for the unprofessional, unethical, and/illegal actions of his subordinates

11 Accepting all plaintiff's allegations as true and all inferences fairly deducible therefrom a reasonable inference can be made that defendant Patrick has created a climate and culture of inmate abuse in his administration.

12 A reasonable inference can be made that plaintiff was targeted for harassment, retaliation, discrimination, degradation, and abuse because he filed complaints, grievances, helped other inmates in such matters, and/or his race and religious persuasion

(See paragraphs 6-69 Comp)

13 That defendant Patrick had direct knowledge of all the allegations well pleaded in plaintiff's complaint can be inferred from Exhibits A-I which include the initial stage of the administrative remedies.

14 Plaintiff has been forced to file an inordinate amount of grievances to no avail It is fairly deducible that plaintiff has experience and exhausted administrative remedies before filing his complaint to the court

15 Defendant Patrick had an opportunity to address all plaintiff's grievances.

16 The Department of Corrections Code of Ethics DC-174 states in part, "Authority exercised over inmates will be fair and professionally responsible." This language is mandatory and is a State created liberty interest, it states unequivocally "will be" not "may be" or "could be"

17 The Code of Ethics states, "Consistent with the responsibility of all correctional employees in the Commonwealth of Pennsylvania to perform their duties with integrity and impartiality, and to avoid situations whereby bias, prejudice, or personal gain could influence official decisions, the following code is promulgated:

18 A. Discrimination

The responsibility of all corrections employees is to act in relation to all citizens of the Commonwealth without regard to age, race, color, ancestry, creed, sex, marital status, national origin, non-job related handicap, or political beliefs This necessarily

includes the inmates whom we supervise and fellow employees with whom we work

19 B Specific Rules and Regulations:- Department of Corrections

1) Each employee in the correctional system is expected to subscribe to the principle that something positive can be done for each inmate. This principle is to be applied without exception. This involves an intelligent, humane and impartial treatment of inmates. Profanity directed to inmates, or vengeful, brutal, or discriminatory treatment of inmates will not be tolerated.

20 7) The personal property of inmates will be handled with extreme care and disposed of only by properly designated authority in a manner designated by official Department of Corrections policy. Similarly, no employee may assume the right of ownership of property owned by fellow employees, the state, or by inmates, theft or abuse of property or equipment is prohibited.

21 22) Reports submitted by employees shall be truthful and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information or data, or misrepresent the facts in any Department record or report.

22 29) All employees shall comply and cooperate with internal investigations conducted under the authority of the Department of Corrections, and respond to questions completely and truthfully.

23 C Enforcement

Any employee who violates the provisions of this code shall be subjected to immediate disciplinary action or the laws of the Commonwealth. (See the Commonwealth of Pennsylvania Department of

Corrections Code of Ethics)

24 If the court accepts all plaintiff's allegations as true, which it must, defendant Patrick as supervisor, has knowingly and deliberately violated numerous DOC rules and regulations and/or caused such rules and regulations to be violated by the subordinates under his direct supervision.

25 The Department of Corrections is an Administrative agency created by the legislature, governed by 37 Pa Code §93 1

26 It can be reasonably inferred that defendant Patrick has violated plaintiff's First, Fifth, and Fourteenth Amendment rights, 42 USCA §1983, Pa Const. Art 1, §§1, 10, 26, 42 Pa CSA §§ 9791-9799 7, United States Constitution Art 1 § 9, 26 and various other laws

27 The facts averred are sufficient to establish plaintiff's right to relief

28 Wherefore, as it is clear plaintiff is entitled to relief, defendant Partick's preliminary objections should be dismiss

29. B Preliminary Objections of Defendant Robert Taylor

The defendant claims, "plaintiff's complaint fails to allege any actions by defendant Taylor that would serve as a basis for extending liability to him " (Prelim Ob p 20)

30 The courts have held that, "Prison walls do not.. separate.. inmates from the protections of the Constitution Within the residuum of liberty retained by prisoners are freedoms identified in the First Amendment to the Constitution." Lewis v. Casey, 116 SCt 2174 at 2193

31 The Supreme Court has given a special protection to and

states, " . of the freedom of thought and speech Of that freedom one may say that it is the matrix, the indispensable condition of nearly every other form of freedom " Palko v State of Connecticut, 58 SCt 149 (1937)

32 Defendant Taylor deliberately, with the sole intent to prevent plaintiff from exercising his First Amendment rights violated DOC code of ethics, DOC policy DC-ADM 804, and various laws of Pennsylvania; by forcibly shipping, confiscating, or destroying 3 boxes of plaintiff's legal material

33 The defendants state, "the amount of boxes available to an incarcerated individual is a matter which the court must accord substantial deference to the professional judgement of prison administrators They cite Overton v Razzetta (Prelim Ob p 28)

34 This is an attempt to obfuscate and mislead the court Plaintiff has a constitutional right to access the Courts In order to access the court plaintiff needs his legal materials Plaintiff has a right to possess the legal materials that are directly related to his open and active cases

SCI-Houtzdale has policies that create an exemption for legal property in its property limitation regulations Plaintiff has a substantial property interest in possessing legal materials needed to adjudicate his active cases

35 The legal materials forcibly taken by defendant Taylor included materials distilled from months of intensive legal research It was a product of hundreds of hours of meticulous research, that were tediously hand drafted as plaintiff being indigent cannot afford to copy all the cases he needs to adequately represent himself in 4

cases

36 Lost were materials that are irreplaceable including transcripts, affidavits, material evidence, notes, drafts of various legal issues and more

37 As a direct result of this constructive or direct denial of access to the courts plaintiff was forced to file inadequately prepared briefs to the courts which ultimately led to a dismissal This action continues to prejudice plaintiff and will adversely affect the present case as irreplaceable material evidence have been lost [Plaintiff had no where to store the forcibly shipped boxes and they were destroyed]

38 In Overton v Bazzetta the Court dealt with rules limiting contact visitation rights of inmates who had two misconducts for drug use This is a rather minor matter in comparison to prison officials confiscating inmates legal property defacto denying access to the courts without Due Process

39. The Supreme Court provided that 4 factors must be considered when prison administrators impinge on inmates Constitutional rights 1) does the regulation bear a rational relationship to a legitimate penological interest; 2) is there an alternative means of exercising the constitutional right the inmate seeks to assert; 3) the impact that accommodation of the right would have on guards, other inmate, and the allocation of prison resources; 4) whether the presence of ready alternatives undermine the reasonableness of the regulations

40 Defendant Taylor's actions did not bear any rational relationship to a penological interest Plaintiff was in the RHU and his property being stored in a storage room designed and designated

for that purpose.

41 There are no alternate means of plaintiff exercising the constitutional right he wants to assert Irreplaceable legal materials, cases, affidavits, material evidence, ect are indispensable requirements in order to access the courts all now lost

42 The impact of the accommodation was de minimis on guards, other inmates, and prison resources; 4) the presence of ready alternatives undermines the reasonableness of defendant Taylor's actions

43 Defendant Taylor's actions violated DOC policies and Due Process guarantees DOC policy allows for plaintiff to request a confiscation slip and be allowed to resolve the matter pre-deprivation via administrative remedies in DC-ADM 804 Plaintiff is not arguing the DOC policy on the limitation on the amount of boxes of property an inmate may possess per se

44 To the contrary plaintiff argues his property right interest to possess legal materials relevant to his open cases, the violation of his equal protection rights to be afforded a chance to access pre-deprivation remedies, and the violation of his Due Process rights

There are other inmates at SCI-Houtzdale who were allowed to access the administrative remedies available who are allowed to store legal materials in excess of two boxes either in the property room or in their cells

45 Defendant Taylor singled out plaintiff for particular and differential treatment He violated DC-ADM 804 which affords inmates pre-deprivation Due Process rights before their properties are

disposed of When Plaintiff tried to assert this right defendant Taylor and Smith denied his request (See Comp p 15)

46 Defendant Taylor's actions were a capricious adjudication He deliberately violated numerous DOC rules and regulations in an attempt to intimidate plaintiff from exercising his rights

47 Accepting these allegations as true, which the court must, it can reasonable be inferred the defendant Taylor's actions were retaliatory and malicious in nature done solely deter plaintiff from exercising his First Amendment rights of freedom of speech, to redress grievances, and access to the courts

48 Defendant Taylor's actions clearly establish plaintiff's right to relief under numerous legal theories

49 Wherefore, as it is clear plaintiff is entitled to relief defendant Taylor's preliminary objections should be denied

50 C Preliminary Objections of Defendant James Smith

The actions of defendant Smith are identical to those of defendant Taylor therefore plaintiff will rest the basis for Smith's culpability and liability on the same arguments as in section B

51 In addition plaintiff notes defendant Smith, the RHU Lieutenant was supervising defendant Taylor and orchestrating his actions (See Comp p 12-21)

52 Defendant Smith boasted he was above the United States Constitution when plaintiff made him aware that his actions were in direct violations of his Constitutional rights Smith stated, "I don't care about the Constitution This is how we do it here at Houtzdale "

Such is the arrogance and disdain staff at this institution have

for rules, regulations, and laws The culture and climate created by this administration is such that staff are convinced they are above and beyond the law and can abuse inmates with impunity

53 The Department of Corrections is the institution to which society relegates those of its citizens who violate laws, rules, and regulations so they can learn to respect such laws, rules, and regulations What message does DOC send the inmates in its ward when the very keepers show by example that laws, rules, and their own regulations are meaningless

Is there any wonder that over 60% of the inmates released from these institutions return within 12 months? Is this the rehabilitation tax payers spend billions of dollars annually for DOC to implement?

54 Only the Courts can reach behind these fences and intervene Only the court can reign in this bastion of despotism and depravity and re-establish a healthy respect for the rule of law Only the Court can curb the Abu Ghraib, Guantanamo Bay mentality of this maverick institution and bring it back into the folds and dictates of Pennsylvania's constitution, statutes, and codes

55 Defendant Smith's actions clearly establish plaintiff's right to relief under numerous legal theories It can reasonably be inferred that both Taylor and Smith retaliated against plaintiff because he filed complaints in the past and/or because plaintiff has published/written books unflattering of DOC

56 Wherefore, as it is clear plaintiff is entitled to relief defendant Smith's preliminary objections should be dismissed

57 D Preliminary Objections of Defendant Glen Irwin

The defendants disingenuously imply that plaintiff's complaint against defendant Irwin rests on him ignoring plaintiff (See Prelim Ob p 50)

58 This canard is an attempt to mislead the court What the defendants chose to ignore is that defendant Irwin is Captain of security at Houtzdale and security is directly responsible for the confiscation, theft, or destruction of plaintiff's manuscript on 'The History of Prisoner Abuse in Pennsylvania' (See Comp p 17-18 & 25-30)

59. Plaintiff's manuscript is an irreplaceable tome based on 5 years of investigation and research It contained personal accounts of prisoner abuse across Pennsylvania from 1970 to 2004, the likes of which made Abu Ghraib look like child's play It contained a play by play minute to minute account of the Camp Hill riots of 1989, its causes, and the inmate abuses that followed in it's aftermath

60 This documentary work from the inmates' perspective was an invaluable contribution to history and the public good Educators and lay people alike could have gained important understandings and be better able to develop regulations that more adequately address inmate abuse and maybe prevent another Camp Hill situation This book could be plaintiff's great contribution to humanity and his legacy to posterity

61 This work contained conclusive proof that Abu Ghraib is no recent phenomenon Scholars could debate whether or not Sgt Grainer, chief architect of the prisoner abuses at Abu Ghraib, and his direct link to Pennsylvania's Department of Corrections is coincidence or culture

62 The defendants violated DC-ADM 203 when plaintiff's cell was searched on Feb 21, 2005 by not allowing him to be present to witness the search

63 DC-ADM 203 paragraph 5 states, "You may be present whenever your cell is searched unless the ranking officer conducting the search determines that your presence would be a threat to staff, other inmates, or the security of the facility "

64 Plaintiff was not a threat to staff, inmates, or the security of the facility Even if it can be construed that plaintiff should not be present for the search the defendants violated DC-ADM 203 paragraph 2 which states unequivocally, "You will be given a confiscation slip for any item that is removed by staff "

65 Property was removed by security personnel from plaintiff's cell but plaintiff was never given a confiscation slip in accordance to DOC regulations When plaintiff complained about his missing property, he was told to see security (See Comp. p 17-18)

66 Two weeks later plaintiff filed a grievance about his missing property Some 3 weeks later defendant Irwin gave plaintiff some of his missing property but not the manuscript When plaintiff asked defendant Irwin specifically for his manuscript plaintiff was ignored

67 DOC code of ethics states specifically, "The personal property of inmates will be handled with extreme care and disposed of only by properly designated authority in a manner designated by official Department of Corrections policy Similarly, no employee may assume the right of ownership of property owned by fellow employees, the state, or by inmates, theft of abuse or property or equipment is

prohibited " ib id

68 Defendant Irwin failed to dispose of plaintiff's property in a manner designated by official DOC policy No confiscation slip, DC-154A, was given to plaintiff itemizing the property confiscated from plaintiff's cell by security, nor was plaintiff afforded Due Process to access the pre-deprivation administrative remedies available by DC-ADM 804

Instead approximately 5 weeks after plaintiff's cell was searched he was called by defendant Irwin and some of the missing property returned If DOC policy of properly disposing of inmate property were followed then plaintiff would've received a DC-154A confiscation slip the very day the cell search took place This slip would've itemized plaintiff's manuscript along with the various other property that were confiscated by security

69 The DOC regulations ignored in this instance is shocking First plaintiff was not allowed to witness his cell search which is the usual procedure Second plaintiff's property was confiscated and not documented

Defendant Irwin is the direct supervisor of all security personnel and matters at Houtzdale When plaintiff enquired about his manuscript plaintiff was ignored Plaintiff's manuscript was never returned

70 Accepting these allegations as true, which the court must, a reasonable inference can be made that defendant Irwin confiscated, stole, or destroyed plaintiff's manuscript on the "History of Prisoner Abuse in Pennsylvania, or caused such to be confiscated, stolen, or destroyed

71 In can be inferred that this was done in retaliation to plaintiff's exercising his Constitutional right of freedom of expression in exposing practices by irrefutable anecdotes of prisoner abuses in Pennsylvania

72 Plaintiff has both a personal and proprietary interest in his manuscript Plaintiff's Due Process rights, Equal Protection rights, and copyrights were violated Defendant Irwin's actions clearly establishes plaintiff's right to relief under numerous legal theories

73 Wherefore, as it is clear plaintiff is entitled to relief defendant Irwin's preliminary objectives should be dismissed

74 E Preliminary Objections of Defendant Peter Brahim

Once again the defendants try to mislead the court by stating, "plaintiff accuses defendant Brahim of refusing to acquiesce to plaintiff's request for exemption from a standard urine test " This is not the case

75 First defendant Brahim works on the security detail at Houtzdale and was the defendant who searched plaintiff cell when the manuscript and other property were illegally confiscated, stolen, or destroyed (See Comp. p 34)

76 These actions make defendant Brahim directly liable For this issue plaintiff rests on the same arguments and facts stated in section D

77 Second, plaintiff does not accuse defendant Brahim "of refusing to acquiesce to plaintiff's requests for exemption from a standard urine test " Plaintiff alleges that defendant Brahim deliberately and maliciously subjected him to humiliation,

dehumanization, degradation, punishments both physical and mental torture, which amounted to cruel and unusual punishment (See Comp p 31-40)

78 Defendant Brahim's actions are offensive by any modern standard of human dignity DOC policy states unequivocally that without exception inmates must be "treated humanely "

79 Forcing, coercing, or causing plaintiff to defecate on himself and parade through the general population smelling of fecal matter is way beyond the pale of human decency and borders on sadistic depravity

80 DOC Standards and Beliefs About the Treatment of Inmates states the following: 1 Inmates are sent to prison as punishment and not for punishment Defendant Brahim's actions were meant to punish plaintiff; 2 Correctional workers have a responsibility to ensure that all inmates are returned to the community no more angry or hostile than when they were committed It is reasonable to believe defendant Brahim's actions were meant to make plaintiff more angry or hostile than when he was committed; 16 Inmates are to be treated respectfully and with basic dignity Plaintiff Brahim degraded, dehumanized, and disrespected plaintiff; 17 Staff cannot because of their own insecurities or lack of self esteem, condescend or degrade inmates

81 The defendants know plaintiff suffers from a medical condition called paruresis that makes it very difficult to provide a urine sample within 2 hrs under normal conditions of a urine test Plaintiff has an extensive history of being unable to provide a urine sample within the arbitrary 2hr time limit

82 Failure to provide a urine sample results in an automatic misconduct as it is considered a defacto dirty urine

83 The sanctions are automatic 60 days in the RHU, lost of contact visiting privileges 6-12 months, and being placed on weekly tracking were random urine samples are taken once a week for months

84 On this specific occassion, with the 2hr time limit soon to expire, plaintiff who has never had a dirty urine in 19 years, could urinate Plaintiff realized he would have a bowel movement and requested to sit on the commode as he gave the urine sample to avoid defecating on himself

85 Defendant Brahim maliciously denied plaintiff's request sneering at him saying, "I want to see you shit yourself " This minor accommodation have been made by other officers in the past including defendant Brahim to other inmates facing the identical predicament as plaintiff

Physiologically it is physically impossible for a human being on the verge of a bowel movement to urinate without simultaneously having the bowel movement Defendant Brahim subjected plaintiff to grossly unsanitary conditions by forcing him to defecate on himself

86 Accepting these allegations as true, which the court must, it can be reasonably inferred that defendant Brahim's actions were vindictive, in bad faith, retaliatory, and an attempt to harass and inflict emotional distress upon plaintiff Plaintiff had to seek psychological counselling

87 It can be inferred that defendant Brahim actions were capricious, arbitrary, and he discriminated against plaintiff by selecting him for deferential treatment

A reasonable inference can be made that defendant Brahim's actions were in retaliation for plaintiff having written an unflattering manuscript about Prisoner Abuse in the DOC

88 Plaintiff also challenges the constitutionality of the arbitrary mandatory 2hr time limit allowed to produce a urine sample

89. There is no medical evidence establishing that the average person will be able to produce a urine sample within two hours after drinking a cup of water

90 Arbitrary medical policies, such as this, which impinge on an inmates rights that lack a scientific basis and fail to take into consideration a person's medical history, and/or make reasonable accommodations for such are unconstitutional

91 Defendant Brahim's action was not reasonably related to penological interests Plaintiff requested the alternative method of testing available by DOC policy, a hair sample test, but was denied (See Policy no 6 3 12-01 on Drug Interdiction)

93 The impact the accommodation would have on guards, other inmates, and allocation of prison resources was de minimis

94 The ready alternatives available undermine and preclude any inference that defendant Brahim's action was reasonable, humane, or in good faith

95 Accepting these allegations as true, which the court must, it can reasonably be inferred that defendant Brahim's actions are part of an on going conspiracy to harass, intimidate, retaliate, and/or punish plaintiff Defendant Brahim's actions clearly establishes plaintiff's right to relief under a plethora of legal theories

96 Wherefore, as it is clear plaintiff is entitled to relief defendant Brahim's preliminary objections should be dismissed

97 F Preliminary Objections of Defendant John Harris

The defendant states, "plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Harris's actions in directing a subordinate to issue a misconduct to plaintiff " (Prelim Ob p 62)

98 Once again the defendants obfuscate the issue in an attempt to mislead the court Plaintiff does not challenge defendant Harris's ordering of a subordinate to issue a misconduct What plaintiff challenges in defendant Harris's discriminatory treatment of plaintiff by singling him out for a misconduct but not issuing a misconduct to other inmates in the indetical situation

99. This violates plaintiff's Equal Protection rights according to Article 1, section 26 of Pennsylvania's constitution

100 Plaintiff's treatment was substantially and invidiously dis-similar to that recieved be other inmates in the identical situation (See Comp p 44)

101 DOC policy states that staff are "to perform their duties with integrity and impartiality, and to avoid situations whereby, bias, prejudice, or personal gain could influence official decisions .." ib id

102 Note defendant Harris was one of the supervisors that searched plaintiff's cell when the manuscript on "The History of Prisoner Abuse in Pennsylvania" was confiscated, stolen, or destroyed

103 Accepting plaintiff's allegations as true, which the court must, it can be reasonably inferred that defendant Harris

discriminated against plaintiff for personal and retaliatory reasons

104 In the first instance plaintiff was not in an unauthorized area since he was on the call out and let out of his cell by CO Sloan to go to his music class in Activities CO Sloan's actions gave plaintiff official authorization to be in that location at that time

105 Solely because of defendant Harris's bias, prejudice, and impartiality towards plaintiff he coerced CO Sloan into issuing a misconduct against plaintiff (See Comp p 43)

106 Under this direct threat CO Sloan had to falsify a misconduct against plaintiff

107 DOC policy states, "Reports submitted by employees shall be truthful and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information or data, or misrepresent the facts in any Department record or report " ib id

108 Under a direct threat from defendant Harris CO Sloan misrepresented the facts in order to issue a misconduct In the misconduct he stated he let plaintiff out for yard line movement The fact is plaintiff was let out of his cell after yard line movement to go to his music class

109 As a direct or proximate result of defendant Harris's actions plaintiff was adversely affected by: 1 Receiving a class one misconduct; 2 Sanctioned 15 days loss of privileges; 3 His television irreparably damaged; 4 Lost eligibility for his promotional transfer; 5 Suffered severe headaches and various complications associated with stress and hypertension because he was

denied all exercise for 15 days

It can be reasonably inferred that defendant Harris's action was an act of official oppression

110 Defendant Harris's actions clearly establishes plaintiff right to relief under numerous legal theories It can be reasonably inferred that defendant Harris's actions were retaliatory because plaintiff is known to file complaints/grievances and help other inmates in such matters

It can also be reasonably inferred defendant Harris's actions were in retaliation due to plaintiff having authored a manuscript unflattering of DOC

111 Wherefore, as it is clear plaintiff is entitled to relief defendant Harris's preliminary objections should be dismissed

112 G Preliminary Objections of Defendant Jerry Everhart

The defendant states, "plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Everhart's actions in referring the misconduct for a formal hearing There is no requirement of, nor entitlement to, an informal misconduct hearing ." (Prelim Ob p 69)

113 Firstly, defendant Everhart has had a personal bias against plaintiff from he first entered this institution because of plaintiff's nationality, race, religion, and the fact plaintiff files complaints and assist other inmates in such matters

Plaintiff has been exposed to a long history of his behind the scenes machinations of harassments, provocations, and solicitations of cronies to execute his nefarious conspiracies, the sole intent of which is to retaliate against plaintiff for exercising his First

Amendment rights

114 The extreme lengths which defendant Everhart went to ensure plaintiff received the harshest punishment possible in this specific misconduct corroborates plaintiff's allegations

115 To execute this defendant Everhart violated many DOC policies (See Comp p 46-50)

116 DC-ADM 801 which governs misconducts states that if the Shift Commander deems a misconduct to be of a minor nature he may or should refer it for an informal resolution

117 Shift Commander Shirley, a veteran of over 20 years, with over 10 years as Shift Commander deemed the misconduct issued by CO Sloan against plaintiff to be of a minor nature so he referred it for an informal resolution (See exhibit D)

118 An informal resolution carries with it a maximum penalty of 7 days cell restriction, is expunged from the inmate's record, and does not affect custody level.

Informal resolution are disposed of by the Unit Manager of the block Defendant Everhart was the unit manager of plaintiff's block

119. DC-ADM 801 further states a Unit Manager may refer an informal resolution for a formal hearing only if a) additional material unknown to the Shift Commander is uncovered which deems the infraction to be of a much more serious nature than was originally thought, or b) if the inmate refuses to have the matter resolved via informal resolution

120 In this particular instance no new material unknown to Shift Commander Shirley was uncovered that deemed the infraction more serious than was originally thought, nor did plaintiff refuse to

resolve the matter via an informal resolution Plaintiff was not given a chance to have an informal resolution

121 DC-ADM 801 rules and procedures on informal resolutions states, "the Unit manager/designee and at least one other Unit Management team member will meet with the plaintiff within seven days of the misconduct being served

122 Defendant Everhart refused to meet with plaintiff and resolve the misconduct informally Instead defendant Everhart maliciously and in bad faith referred the misconduct for a formal hearing

123 Defendant Everhart regularly and almost always dispose the informal misconducts of other inmates in similar situations by informal resolution However, he singled out plaintiff for differential and dis-similar treatment

It can reasonably be inferred defendant Everhart actions were in retaliation for the numerous complaints plaintiff had filed in the past against him or his cronies

124 Plaintiff's treatment was substantially and invidiously dissimilar to that received by other inmates in the identical situation

125 DOC policy states, "discriminatory treatment of inmates will not be tolerated All staff are to perform their duties with integrity and impartiality, and to avoid situations whereby, bias, prejudice, or personal gain could influence official decisions. " ib id

126 Defendant Everhart made an official decision to refer the informal resolution for a formal hearing He was not impartial, nor was this done with integrity

A reasonable inference can be made that defendant Everhart's

actions were due to bias, prejudice, or for personal gain

127 Defendant Everhart was aware plaintiff was in the process of getting a promotional transfer closer to his home region and reconnect with his family Plaintiff had fulfilled the criteria of being 12 months misconduct free and submitted a formal request

An informal resolution to the misconduct would not have affect plaintiff's criteria for a promotional transfer but a formal one would if plaintiff was found guilty

128 Accepting all plaintiff's allegations as true, which the court must, in can be reasonably inferred that defendant Everhart extra-ordinary and unethical actions were retaliatory and motivated in part by a desire to hurt plaintiff's chances for a promotional transfer

129. It can reasonably be inferred defendant Everhart's action was an act of official oppression

It can reasonably be inferred that defendant Everhart is part and parcel of a civil conspiracy in this administration to intimidate, harass, retaliate, and/or discriminate against plaintiff

130 Defendant Everhart's actions clearly establishes plaintiff's right to relief under multiple legal theories

131 Wherefore, as it is clear plaintiff is entitled to relief defendant Everhart's preliminary objections should be dismissed

132 H. Preliminary Objections of Defendant Robert Reed

The defendant states, "plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Reed's actions "

133 Defendant Reed is a hearing examiner and by extension an arm

of the court His oath of office is to be an impartial tribunal, uphold the rules and regulations of DOC and the laws of the land

134 At the start of plaintiff's formal hearing defendant Reed questioned the validity of the informal misconduct being referred for a formal hearing He stated, "I don't see why this misconduct was referred for a formal hearing " This is a clear indication everything surrounding the treatment of this misconduct was abnormal

135 Plaintiff submitted a written inmate version of his defense against the fabricated misconduct It detailed the history of the misconduct and various reasons why it must be dismissed according to DOC rules and regulations Defendant Reed read it

136 The final paragraph stated "this misconduct was written and referred to formal hearing in bad faith as part of a conspiracy by defendant Everhart and Harris in order to retaliate against plaintiff "

137 Upon reading this paragraph defendant Reed became visibly upset and told plaintiff to step out the hearing room

138 Thereupon he made a flurry of phone calls Approximately 5 minutes later plaintiff was called back into the hearing room and informed he would be found guilty

139. Plaintiff objected and brought defendant Reed's attention to the first issue raised in his defense of the misconduct wherein plaintiff quoted the DOC policy DC-ADM 801 governing misconducts referred for informal resolution

140 DC-ADM 801 on informal resolution states, "an informal resolution must be held within 7 days of the misconduct being served "

Plaintiff explained the 7 days had expired therefore Unit Manager

Everhart waived the right to refer it to a formal hearing. In essence the misconduct was waived and should therefore be dismissed as moot.

141 Plaintiff presented defendant Reed with the latest edition of the DOC Inmate handbook which states that informal resolution meeting must be held within 7 days of the misconduct being served (See Exhibit E)

142 Thereupon defendant Reed stated he doesn't care what the rules say he's going to find plaintiff guilty anyway. " This finding of fact was undermined by substantial evidence presented by plaintiff (See Comp p 56)

143 The DOC is an administrative agency formed by the legislature and overseen by the courts. It must therefore be subject to the laws, statutes, codes of Pennsylvania, and its own regulations.

144 A hearing examiner is a direct extension of the court. A misconduct hearing though not held to the high standards of a criminal hearing, nonetheless, affords inmates a modicum of Due Process rights, not only in form but also in spirit, meaning, and intent.

145 It's a moral outrage for a representative of the court, such as a hearing examiner, to blatantly disregard rules, regulations, and laws for the sole purpose of finding a defendant guilty. Plaintiff is aware he has lost most of the rights afforded a normal citizen but in these United States of America some protections filter down to the lowly prisoner.

146 Defendant Reed's capricious and egregious disregard of incontrovertible evidence is a violation of the fundamental tenets of administrative law in a quasi-judicial forum.

147 Defendant Reed's flagrant and manifest abuse of discretion

made this hearing nothing but a kangaroo court

Plaintiff has a personal liberty interest to be free from official oppression

148 Accepting plaintiff's allegations as true, which the court must, it can reasonably be inferred that defendant Reed spoke to defendant Everhart on the phone prior to his rendering judgement and conspired to find plaintiff guilty

In can be reasonably inferred defendant Reed's baseless disregard for his oath of office in order to find plaintiff guilty, aided and abetted an ongoing conspiracy to retaliate against plaintiff

149 Defendant Reed's actions clearly establishes plaintiff's right to relief under multiple legal theories

150 Wherefore, as it is clear plaintiff is entitled to relief defendant Reed's preliminary objections should be dismissed

151 I Preliminary Objections of Defendant Todd Cadwallader

The defendant states, "plaintiff has failed to establish the violation of any constitutional right by the alleged act of defendant Cadwallader in compliance with a direction ordering plaintiff to be denied radio and television privileges " (Prelim Ob p 80)

152 When other inmates were sanctioned loss of television and radio privileges their radio and television were not confiscated on C-Block

153 Approximately 1 week prior to plaintiff's sanctions defendant Cadwallader explained to various inmates whose appliances he was supposed to confiscate he doesn't do that because there's no secure place on the block to store them (See Comp p 60)

154 Defendant Cadwallader did not extend this exemption to

plaintiff as he did for other inmates in the identical situation

155 DOC policy states, "discriminatory treatment of inmates will not be tolerated." ib id

156 Defendant Cadwallader subjected plaintiff to treatment that was substantially and invidiously dis-similar to that received by other inmates in identical situations on C-Block This violates Article 1, 26 of Pennsylvania's constitution

157 In addition when plaintiff gave defendant Cadwallader his television it was in perfect working order When plaintiff's property was returned it was damaged and did not function properly

158 DOC policy states, "The personal property of inmates will be handled with extreme care and disposed of only by properly designated authority in a manner designated by official Department of Corrections policy Theft or abuse of (inmate) property or equipment is prohibited "

159. Accepting plaintiff's allegations as true, which the court must, it can reasonably be inferred that defendant Cadwallader singled plaintiff out for discriminatory treatment in furtherance of the conspiracy to retaliate against plaintiff

It can reasonably be inferred that defendant Cadwallader damaged or cause plaintiff's property to be damaged in furtherance of this conspiracy

160 Defendant Cadwallader's actions clearly establishes plaintiff's right to relief under various legal theories

161 Wherefore as it is clear plaintiff is entitled to relief defendant Cadwallader's preliminary objections should be dismissed

162 J Preliminary Objection of Jeremy Jones

The defendant states, "plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Jones's actions " (Prelim Ob p 87)

163 Accepting plaintiff's allegations as true, which the court must, defendant Jones falsely filed a report by claiming to have personally examined plaintiff's television and found in good working order upon returning it to plaintiff

164 Defendant Jones when to the lengths of violating the code of ethics, DOC rules, and his moral obligations by falsifying facts It can reasonably be inferred this was done to cover up the abuse of plaintiff's property, to aide and abet a civil conspiracy to retaliate and discriminate against plaintiff

165 It can also be reasonably inferred that defendant Jones was suborned by his crony defendant Everhart, who investigated the grievance plaintiff filed in this matter, to make a false statement in regards to the damaged property

166 Plaintiff suspected subterfuge and requested defendant Everhart not be allowed to address the grievance and investigate his own conspiracy Plaintiff's request was denied (See Exhibit G-2)

167 The only way to cover up tampering with plaintiff television was for defendant Jones to falsely claim he checked the television when it was returned to plaintiff and found it to be in perfect working order

168 Defendant Jones entered or caused to be entered false information about the working order of plaintiff's television on DOC report DC-ADM 804, #155079. (See G-2)

169. DOC policy states, 'All employees shall comply and cooperate

with internal investigations conducted under the authority of the Department of Corrections and respond to questions completely and truthfully "

It further states, "Reports submitted by employees shall be truthful and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information or data, or misrepresent the facts in any Department report "

170 Defendant Jones entered false and improper information on a DC-ADM 804 report

Accepting plaintiff's allegations as true, which the court must, it can reasonably be inferred there was a civil conspiracy between defendants Jones, Everhart, Reed, and Cadwallader, to intimidate, retaliate, and discriminate against plaintiff

171 Defendant Jones's action clearly establishes plaintiff's right to relief under numerous legal theories

172 K Failure to Exhaust Administrative Remedies

This argument and may be indicative of the defendants desperation The defendants know plaintiff exhausted all administrative remedies made available to him

173 It is considerable easier for the defendants to show failure to exhaust than it is for plaintiff to demonstrate exhaustion The defendants and their attorneys have complete and unmitigated access to the prison administrative records

174 Plaintiff finds it ironic that the very defendants who forcibly shipped 3 boxes of his legal materials, some of which contained proofs of administrative exhaustion in other unrelated DOC matters now raise the issue of exhaustion

175 What stops the defendants from doing the same thing again in the immediate future then ask the court to dismiss plaintiff complaint because he can't prove exhaustion

176 The defendants and their proxies have done this to plaintiff twice Once at Somerset and once at Houtzdale See grievance # 63668 This is a tactic the defendants regularly employ because they know there will be no accountability as Pennsylvania courts refuse to intercede to halt this nefarious tactic

177 Wherefore, as plaintiff has exhausted all administrative remedies available the defendants preliminary objections should be dismissed

178 Plaintiff has complied with Pa RCP rule 422 by turning over a copy of the complaint to the sheriff to serve the Attorney General

179. Plaintiff notes the defendants make no objections to the allegation they violated his Equal Protection rights by refusing to allow him to start a chapter of the National Association for the Advancement of Colored People (NAACP) at SCI-Houtzdale This request is strongly supported by both the national branch and the Philadelphia chapter of the NAACP (Comp p 68-69)

180 In the last 10 years the national NAACP unanimously passed a mandate to make a concerted effort to have a presence in penal institutions across America Various State Correctional Institution have chapters of the NAACP as part of their inmate organizations

181 DOC policy DC-ADM 822 allows for the formation of inmate organizations The defendants have an unwritten rule that no inmate organizations will ever be allowed at SCI-Houtzdale

182 For 7 years they have paid lip service to forming an Inmate

Advisory Committee which they never got off the ground. This organization was a sham, an organization in name only, which is used to undermine the issue of inmate organizations

183 The NAACP is a well known, well established, national organization. Their presence would go a long way to serving the needs of inmates at Houtzdale which are not and cannot be served by DOC

184 Whereas, plaintiff is not a lawyer, plaintiff requests that the court hold him to a less stringent standard than that of a lawyer

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: May 22, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motion was mailed on May 22, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa 17011

Trevor Mattis
Trevor Mattis (pro-se)

FILED

MAY 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff.

v

No: 06-1172-CD

George Patrick, et. al
 defendants

PRAECIPE TO REINSTATE COMPLAINT NO. 06-1172-CD

Now comes plaintiff, Trevor Mattis, pursuant to PRCP rule 401 to
reinstate complaint No. 06-1172-CD so that the Attorney General may be
served.

Respectfully submitted,

T Mattis
Trevor Mattis(pro-se)

DATE: May 16, 2007

FILED

MAY 18 2007

m/12:30/4

William A. Shaw
Prothonetary/Clerk of Courts

1 REINSTATED
COMPLAINT
NO CERT COPY

#30

IN RE: [illegible]

STATE OF [illegible]
[illegible]

William A. Shaw
Prothonotary/Clerk of Courts

MAY 18 2007

FILED

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

TREVOR MATTIS
Plaintiff

vs.

GEORGE PATRICK, et al
Defendants

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*
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NO. 06-1172-CD

ORDER

NOW, this 10th day of May, 2007, this Court notes an error in the Court's Order of April 16, 2007 where in paragraph 2 the Court orders the parties to submit briefs relative the Defendant's Preliminary Objections filed on February 12, 2007. The Order should have referenced the Preliminary Objections filed by the Defendants on May 9, 2007. Accordingly, it is the further ORDER of this Court that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections filed May 9, 2007. The briefs should be received by the Court Administrator within no later than twenty (20) days from this date.

The Court is also in receipt of the Plaintiff's Motion for Production of Documents and Things filed May 10, 2007. However, this Court's ORDER of April 10, 2007 stayed all discovery until such time as the Court rules on Preliminary Objections. As the Court has not yet ruled on the Defendants' Preliminary Objections the Motion for Production of Documents and Things is premature. Accordingly, the Motion for Production of Documents and Things is hereby DISMISSED.


FILED
013131
MAY 11 2007

2cc. Amy MacIntyre
1cc Def.-
BH 3126
SGT Houtzdale

William A. Shaw
Prothonotary/Clerk of Courts

(CK)

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

MAY 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/11/07

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☒ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No: 06-1172-CD

George Patrick, et. al
 defendants

FILED *no cc*
m/10/30/07
MAY 10 2007 *(CW)*

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR PRODUCTION OF DOCUMENTS AND THINGS

Now comes plaintiff, Trevor Mattis, in the above case pursuant to Pa. Rules of Civil Procedure no: 4009 11 for the production of the following documents:

1. Production of any and all disciplinary reports and related documents, investigations, complaints, letters, or writings in the custody of the Department of Corrections relating to defendants Smith, Everhart, Jones, Harris, Irwin, Taylor, and Brahim, for the period January 1997 to April 2007 Said documents should include all Internal Affairs and disciplinary reports listed in the defendants personnel file to the extent it relates to any misconduct as an employee of the Department of Corrections.

2. A copy of all internal security reports filed by the Department of Corrections against plaintiff Trevor Mattis from the period January 2000 to April 2007

3. All misconducts filed by the above defendants for the period January 2003 to April 2007.

4. All grievances DC-ADM 804 or other complaints DC-135A included

filed by any inmate against defendants Everhart, Irwin, and Harris for the period January 1997 to April 2007.

5 All grievances filed by plaintiff from the period October 2003 to October 2005

6 All DC-135A request slips filed by plaintiff to security for the period October 1, 2003 to April 1, 2007.

7 The times and schedule of blocks called for evening yard from April 1, 2006 to July 1, 2006

Plaintiff is willing to review the requested documents at the defendants convenience to identify the particular copies that are needed, relevant, and material to prove his allegations; to discovering admissible information necessary to proving the allegations as set forth in the complaint.

Plaintiff's discovery request are both limited and specific, tailored strickly to materials relevant to proving the allegations set forth in the complaint and to respond to defendants answer Plaintiff requests that the defendants comply with the above discovery requests within 30 days of receiving this motion

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: 5-8-07

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motion was mailed on May 8, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa 17011



Trevor Mattis (pro-se)

FILED

MAY 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

○ ○

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

:
:
:
: No. 2006-01172-CD
:
:
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ORDER

AND NOW, this _____ day of May, 2007, upon consideration of Defendants' Preliminary Objections to Plaintiff's Complaint, it is hereby ORDERED that the Plaintiff's Complaint is **DISMISSED** with prejudice.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

No. 2006-01172-CD

FILED

MAY 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

3 CENTS TO
MTC

DEFENDANTS' PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT

AND NOW, comes the defendants, Pennsylvania Department of Corrections employees, by and through their attorney, Robert B. MacIntyre, and in accord with Pa.R.C.P. 1028, raises the following preliminary objections to Plaintiff's Complaint and, in support thereof, avers the following:

1. Plaintiff is Trevor Mattis, an inmate incarcerated at the State Correctional Institution at Houtzdale (hereinafter, "SCI-Houtzdale").

2. On or about July 21, 2006, Plaintiff initiated a civil action by filing a Complaint and an *in forma pauperis* ("IFP") Petition with this Honorable Court.

3. On July 27, 2006, this Court denied Plaintiff's IFP Petition.

4. On or about August 22, 2006, this Court directed Plaintiff's Complaint to be dismissed.

5. Following the denial of his IFP Petition, but while the action was still active, Plaintiff, on or about August 11, 2006, filed a Petition for Review with the Commonwealth Court.

6. On August 14, 2006, prior to this Court's termination of Plaintiff's Complaint, the Commonwealth Court transferred the Petition for Review to Clearfield County.

7. On or about February 9, 2007, Defendants filed their first set of preliminary objections to the original complaint challenging the lack of service. It appears that the Plaintiff made proper service on the individual defendants by sheriff on April 13, 2007.

8. To date, Plaintiff is not believed to have served the Office of Attorney General as required by Pa.R.C.P. 422.

9. Plaintiff's service of the named defendants rendered the initial preliminary objection moot as to the individual defendants.

10. This second set of preliminary objections is a result of defendants finally being served with the civil complaint.

PRELIMINARY OBJECTIONS IN THE FORM OF A DEMURRER

11. The complaint in this matter should be dismissed for plaintiff's failure to state claims upon which relief can be granted.

12. Preliminary objections in the nature of demurrers are proper when the law is clear that a plaintiff is not entitled to recovery based on the facts alleged in the complaint. See HCB Contractors v. Liberty Place Hotel Associates, 539 Pa. 395, 652 A.2d 1278, 1279 (1995).

13. When considering a motion for a demurrer, the trial court must accept as true "all well-pleaded material facts set forth in the complaint and all inferences fairly deducible from those facts." Small v. Horn, 554 Pa. 600, 722 A.2d 664, 668 (1998).

14. A demurrer may only be sustained when on the face of the complaint the law will not provide recovery. Doxsey, Id., at 1174.

15. A demurrer does not admit to conclusions of law or unjustified inferences that may appear in the Petitioner's complaint. Raynovich v. Romanus, 450 Pa. 391, 299 A.2d 301 (1973).

A. PRELIMINARY OBJECTION OF DEFENDANT GEORGE PATRICK

16. Plaintiff's complaint fails to allege any actions by defendant Patrick, let alone any actions that would serve as a basis for extending liability to him.

17. The first mention of defendant Patrick is in paragraph 4 of the complaint where it states "Defendants, [sic] Mr. George Patrick . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

18. The next references to defendant Patrick come in unnumbered paragraphs entitled Count One ("Patrick . . . violated plaintiff's First, Fifth and Fourteenth Amendment rights . . ."); Second Cause of Action ("Patrick . . . violated his First Amendment rights"); and Fifth Cause of Action ("Patrick . . . subjected him to cruel and unusual punishment").

19. The failure of plaintiff to attribute any act to defendant Patrick makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant George Patrick requests that his demurrer be granted and the action against him be dismissed.

B. PRELIMINARY OBJECTION OF ROBERT TAYLOR

20. Plaintiff's complaint fails to allege any actions by defendant Taylor that would serve as a basis for extending liability to him.

21. The first mention of defendant Taylor is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Taylor . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

22. The next reference to defendant Taylor is found in paragraph 9 of plaintiff's complaint.

23. Plaintiff alleges that following his transfer to the Restricted Housing Unit of SCI-Houtzdale, defendant Taylor, together with defendant Smith, forced plaintiff to ship or destroy 3 boxes of his legal documents.

24. It is alleged that this action is in retaliation for an unrelated civil complaint plaintiff has allegedly filed against staff at SCI-Graterford.

25. In paragraph 10 of the complaint, plaintiff further alleges that defendant Taylor told plaintiff that he [plaintiff] won't be filing any more complaints.

26. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Taylor.

27. Plaintiff does not allege that he has a right to an unlimited number of property boxes.

28. The amount of boxes available to an incarcerated individual is a matter which the court must accord substantial deference to the professional judgment of prison administrators. Overton v. Bazzetta, 539 U.S. 126, 132, 123 S. Ct. 2162, 156 L. Ed. 2d 162 (2003).

29. The burden is not on the prison administrators to prove the validity of prison regulations but on the prisoner to disprove it. Jones v. North Carolina

Prisoners' Labor Union, Inc., 433 U.S. 119, 128, 53 L. Ed. 2d 629, 97 S. Ct. 2532 (1977); O'Lone v. Estate of Shabazz, 482 U.S. 342, 350, 96 L. Ed. 2d 282, 107 S. Ct. 2400 (1987).

30. Plaintiff does not allege any facts which would suggest that the limitation on boxes is improper or unconstitutional. Instead, plaintiff alleges that defendant Taylor's actions were retaliatory.

31. To prevail upon a claim of retaliation, plaintiff must plead that (1) the conduct which led to the alleged retaliation was constitutionally protected; (2) he suffered some adverse action that was sufficient to deter a person of ordinary firmness from exercising his constitutional rights; and (3) the constitutionally protected conduct was a substantial or motivating factor in the decision to take adverse action. Rauser v. Horn, 241 F.3d 330, 333 (3d Cir. 2001).

32. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under this legal theory.

WHEREFORE, defendant Robert Taylor requests that his demurrer be granted and the action against him be dismissed.

C. PRELIMINARY OBJECTION OF JAMES B. SMITH

33. Plaintiff's complaint fails to allege any actions by defendant Smith that would serve as a basis for extending liability to him.

34. The first mention of defendant Smith is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Lt Smith . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

35. The next reference to defendant Smith is found in paragraph 9 of plaintiff's complaint.

36. Plaintiff alleges that following his transfer to the Restricted Housing Unit of SCI-Houtzdale, defendant Smith, together with defendant Taylor, forced plaintiff to ship or destroy 3 boxes of his legal documents.

37. It is alleged that this action is in retaliation for an unrelated civil complaint plaintiff has allegedly filed against staff at SCI-Graterford.

38. In paragraph 14 of the complaint, plaintiff further alleges that defendant Smith told plaintiff that he [plaintiff] won't be writing any more books.

39. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Smith.

40. Plaintiff does not allege that he has a right to an unlimited number of property boxes.

41. The amount of boxes available to an incarcerated individual is a matter which the court must accord substantial deference to the professional judgment of prison administrators. Overton v. Bazzetta, 539 U.S. 126, 132, 123 S. Ct. 2162, 156 L. Ed. 2d 162 (2003).

42. The burden is not on the prison administrators to prove the validity of prison regulations but on the prisoner to disprove it. Jones v. North Carolina Prisoners' Labor Union, Inc., 433 U.S. 119, 128, 53 L. Ed. 2d 629, 97 S. Ct. 2532 (1977); O'Lone v. Estate of Shabazz, 482 U.S. 342, 350, 96 L. Ed. 2d 282, 107 S. Ct. 2400 (1987).

43. Plaintiff does not allege any facts which would suggest that the limitation on boxes is improper or unconstitutional. Instead, plaintiff alleges that defendant Smith's actions were retaliatory.

44. To prevail upon a claim of retaliation, plaintiff must plead that (1) the conduct which led to the alleged retaliation was constitutionally protected; (2) he suffered some adverse action that was sufficient to deter a person of ordinary firmness from exercising his constitutional rights; and (3) the constitutionally protected conduct was a substantial or motivating factor in the decision to take adverse action. Rausser v. Horn, 241 F.3d 330, 333 (3d Cir. 2001).

45. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under this legal theory.

WHEREFORE, defendant James B. Smith requests that his demurrer be granted and the action against him be dismissed.

D. PRELIMINARY OBJECTION OF GLENN IRWIN

46. Plaintiff's complaint fails to allege any actions by defendant Smith that would serve as a basis for extending liability to him.

47. The first mention of defendant Irwin is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Capt Irwin . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

48. The next reference to defendant Irwin is found in paragraph 30 of plaintiff's complaint, where plaintiff accuses defendant Irwin of ignoring him.

49. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Irwin.

50. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Irwin's act of ignoring plaintiff.

51. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Glenn Irwin requests that his demurrer be granted and the action against him be dismissed.

E. PRELIMINARY OBJECTION OF PETER BRAHIM

52. Plaintiff's complaint fails to allege any actions by defendant Brahim that would serve as a basis for extending liability to him.

53. The first mention of defendant Brahim is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Brahim . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

54. The next reference to defendant Brahim is found in paragraphs 31 through 40 of plaintiff's complaint, where plaintiff accuses defendant Brahim of refusing to acquiesce to plaintiff's requests for exemption from a standard urine test.

55. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Brahim.

56. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Brahim's actions in administering a urine test.

57. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Peter Brahim requests that his demurrer be granted and the action against him be dismissed.

F. PRELIMINARY OBJECTION OF JOHN HARRIS

58. Plaintiff's complaint fails to allege any actions by defendant Harris that would serve as a basis for extending liability to him.

59. The first mention of defendant Harris is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Lt Harris . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

60. The next reference to defendant Harris is found in paragraph 43 of plaintiff's complaint, where plaintiff accuses defendant Harris of instructing Correctional Officer Sloan to issue a misconduct to plaintiff.

61. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the

alleged actions of defendant Harris. In fact, plaintiff was afforded a hearing on his misconduct and was adjudged guilty.

62. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Harris's actions in directing a subordinate to issue a misconduct to plaintiff.

63. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant John Harris requests that his demurrer be granted and the action against him be dismissed.

G. PRELIMINARY OBJECTION OF JERRY EVERHART

64. Plaintiff's complaint fails to allege any actions by defendant Everhart that would serve as a basis for extending liability to him.

65. The first mention of defendant Everhart is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Mr. J Everhart . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

66. The next reference to defendant Everhart is found in paragraphs 46 through 50 of plaintiff's complaint, where plaintiff accuses defendant Everhart of improperly referring the misconduct for a formal hearing.

67. Plaintiff also baldly alleges in paragraph 66 of the complaint that defendant Everhart "suborned" another to make a false statement.

68. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Everhart.

69. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Everhart's actions in referring the misconduct for a formal hearing. There is no requirement of, nor entitlement to, an informal misconduct hearing. Further, plaintiff produces no evidence to support an allegation of subornation of perjury.

70. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Jerry Everhart requests that his demurrer be granted and the action against him be dismissed.

H. PRELIMINARY OBJECTION OF ROBERT REED

71. Plaintiff's complaint fails to allege any actions by defendant Reed that would serve as a basis for extending liability to him.

72. The first mention of defendant Reed is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . R Reed . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

73. The next reference to defendant Reed is found in paragraphs 51 through 57 of plaintiff's complaint, where plaintiff accuses defendant Reed of improperly conducting a misconduct hearing.

74. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Reed.

75. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Reed's actions. Specifically, plaintiff refers to a "rule" which he insists requires the dismissal of a misconduct if not heard in 7 days. In support thereof, plaintiff has attached the "rule" to his complaint as Exhibit F. The exhibit fails to support plaintiff's claim.

76. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Robert Reed requests that his demurrer be granted and the action against him be dismissed.

I. PRELIMINARY OBJECTION OF TODD CADWALLADER

77. Plaintiff's complaint fails to allege any actions by defendant Cadwallader that would serve as a basis for extending liability to him.

78. The first mention of defendant Cadwallader is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . CO Cadwallader have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

79. The next reference to defendant Cadwallader is found in paragraphs 59 through 61 of plaintiff's complaint, where plaintiff accuses defendant Cadwallader of engaging in discriminatory conduct in physically confiscating plaintiff's possessions.

80. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Cadwallader in compliance with a direction ordering the plaintiff to be denied radio and television privileges.

81. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Cadwallader's actions in complying with a disciplinary instruction.

82. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Todd Cadwallader requests that his demurrer be granted and the action against him be dismissed.

J. PRELIMINARY OBJECTION OF JEREMY JONES

83. Plaintiff's complaint fails to allege any actions by defendant Jones that would serve as a basis for extending liability to him.

84. The first mention of defendant Jones is in paragraph 4 of the complaint where it states "Defendants, [sic] . . . Sgt Jones . . . have an office to receive this complaint and notice to defend at 55 Utility P.O. Box 598, Camp Hill, PA 17001-0598."

85. The next reference to defendant Jones is found in paragraph 66 of plaintiff's complaint, where plaintiff accuses defendant Jones of falsely claiming to have examined plaintiff's television and radio and found them to be in "perfect working order".

86. Accepting these statements as true, which we must in addressing a demurrer, plaintiff has failed to establish a legitimate cause of action. Specifically, plaintiff has failed to establish the violation of any constitutional right by the alleged actions of defendant Jones.

87. Plaintiff has failed to establish any injury or constitutional right which has been violated by defendant Jones's actions.

88. The failure of plaintiff to plead facts sufficient to meet his burden makes it clear that plaintiff is not entitled to obtain recovery under any legal theory.

WHEREFORE, defendant Jeremy Jones requests that his demurrer be granted and the action against him be dismissed.

**PRELIMINARY OBJECTION FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES**

89. An inmate must exhaust all available administrative remedies before seeking redress from the courts. St. Clair v. Bd. of Prob. & Parole, 493 A.2d 146 (Pa. Cmwlth. 1985).

90. A court is without power to act until all administrative remedies have been exhausted. Village Charter Sch. v. Chester Upland Sch. Dist., 813 A.2d 20 (Pa. Cmwlth. 2002).

91. Plaintiff has not alleged that he has taken any of the two available appeals to the denial of any grievance which is the subject of this action.

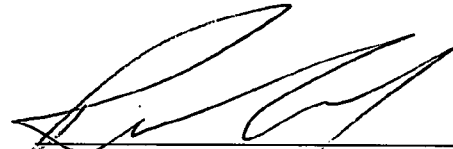
92. Plaintiff's failure to exhaust his administrative remedies requires this Court to dismiss the action with prejudice.

WHEREFORE, defendants request your Honorable Court to dismiss this action with prejudice for the failure of plaintiff to exhaust his administrative remedies.

Respectfully submitted,

Office of General Counsel

By:



Robert B. MacIntyre

Assistant Counsel

Attorney I.D. No. 36817

Pennsylvania Department of Corrections

55 Utley Drive

Camp Hill, PA 17011

(717) 731-0444

Attorney for Defendants

Dated: May 7, 2007

O O

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

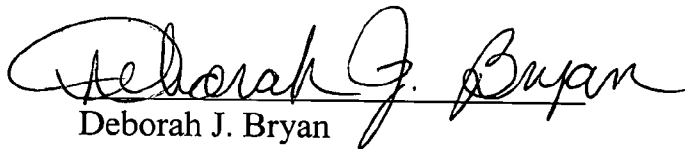
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: No. 2006-01172-CD
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CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the Defendants' Preliminary Objections to Plaintiff's Complaint upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Trevor Mattis, BH-3126
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698-1000



Deborah J. Bryan
Legal Assistant
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: May 7, 2007

FILED

MAY 09 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al,
Defendants

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NO. 06-1172-CD

ORDER

NOW, this 16th day of April, 2007, it is the ORDER of this Court as follows:

1. On April 4, 2007 the Defendant filed a document attempting to join Nancy Smith as an additional defendant pursuant to Rule 2252. Trevor Mattis is the Plaintiff in the above described action, and under Rule 2252 only a defendant or an additional defendant can join a person as an additional defendant. Therefore, the two page document filed April 4, 2007 by the Plaintiff is hereby DISMISSED. Nancy Smith has not been joined as an "additional defendant".
2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on February 12, 2007, it is the ORDER of this Court that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date.

FILED

APR 16 2007

ICC Atty MacIntyre

ICC PIFF-

BH 3126

SCF Houtzdale

CP

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

#26

FILED

APR 16 2007

William A. Shaw
Prothonotary/Clerk of Courts



COMMONWEALTH COURT OF PENNSYLVANIA

April 11, 2007

MICHAEL F. KRIMMEL
OFFICE OF THE PROTHONOTARY
624 IRVIS OFFICE BUILDING
HARRISBURG, PA 17120

TELEPHONE
(717) 255-1650

William A. Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

FILED
APR 16 2007
11:00 AM
William A. Shaw
Prothonotary/Clerk of Court

Re: Trevor Mattis v. George Patrick
Trial Court No. 06-1172-CD


Dear Mr. Shaw:

The enclosed filing entitled "appeal to order denying plaintiff's petition for re-imbursement of filing fees" was received by this court April 11, 2007. This appears to be plaintiff's attempt to appeal from the March 28, 2007 order of the Court of Common Pleas of Clearfield County. In accordance with Pa. R.A.P. 905(a), I am transmitting this document to you for processing as a notice of appeal.

We note that the notice of appeal does not contain a statement or application to continue in forma pauperis status in the appellate court, nor does it contain copies of docket entries or a proof of service.

Kindly process this document in accordance with Rule 905.

Sincerely,


Michael F. Kimmel
Deputy Prothonotary/Chief Clerk

MFK/gb

Enclosure

cc: Valeria Streisfeld, Administrative Assistant II

FAX

25

APR 16 2007

FILED

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
2007 APR 11 A 7:31

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No: 06-1172-CD

George Patrick, et al
 defendants

APPEAL TO ORDER DENYING PLAINTIFF'S
PETITION FOR RE-IMBURSEMENT OF FILING FEES

Now comes plaintiff, Trevor Mattis, to request that the order denying him re-imbursement of \$85.00 docketed as filing fee be reversed because In Forma Pauperis was denied on an incorrect assumption by the lower court

On June 29, 2006, plaintiff filed a complaint including a request to proceed In Forma Pauperis in the Court of Common Pleas Clearfield County. On July 27, 2006 Judge Fredric Ammerman incorrectly assumed that he did not have appropriate jurisdiction and based on this incorrect assumption ordered that plaintiff's request for In Forma Pauperis be denied (See Exhibit A)

On July 27, 2006 the Clerk of Court contacted plaintiff stating that in order to proceed with the complaint plaintiff must re-submit the complaint along with \$85 00 for filing fee within 10 working days. (See Exhibit B)

Plaintiff couldn't afford the \$85 00 so his complaint was stricken. (See Exhibit C).

Because Judge Ammerman stated he lacked jurisdiction on August 3, 2006, plaintiff re-filed his complaint along with a request to proceed In Forma Pauperis to this Court. In the interim \$85.00 was

sent to the Court of Common Pleas Clearfield County which the clerk registered as a filing fee.

On August 14, 2006 the Court of the Commonwealth ruled that the Court of Common Pleas of Clearfield County had proper jurisdiction and this matter was ordered transferred back to Clearfield County.

With this discrepancy clarified on March 14, 2007 plaintiff was granted In Forma Pauperis. However, when plaintiff requested the court to reimburse the \$85.00 docketed as a filing fee his request was denied. (See Exhibit D)

Plaintiff appeals this denial. But for the Court of Common Pleas incorrect belief it lacked jurisdiction in the original filing of the complaint plaintiff would've been granted In Forma Pauperis. Therefore the clerk of court would not have charged a filing fee. For the reasons stated above or any other reason this Court deems fit plaintiff requests that his petition for the reimbursement of the \$85.00 should be granted.

Respectfully submitted,

T. Mattis
Trevor Mattis (pro-se)

DATE: April 7, 2007

EX. A

O

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

TREVOR MATTIS,
Plaintiff

vs.

DOC, MR. GEORGE PATRICK, CO TAYLOR,
LT. SMITH, CAPT. IRWIN, CO BRAHIM, LT. HARRIS,
J. EVERHART, SGT. JONES, R. REED,
CO CADWALLADER,
Defendants

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NO. 06-1172-CD

ORDER

NOW, this 27th day of July, 2006, upon this Court's review of the Plaintiff's
Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER
of this Court that the request to proceed *In Forma Pauperis* be and is hereby DENIED.

BY THE COURT,

/S/ Fredric J Ammerman

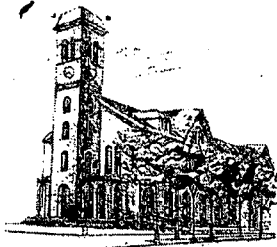
FREDRIC J. AMMERMAN
President Judge

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

JUL 27 2006

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts



Exh. B

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

July 27, 2006

Trevor Mattis
BH 3126
SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698

RE: Civil Complaint

Dear Mr. Mattis:

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

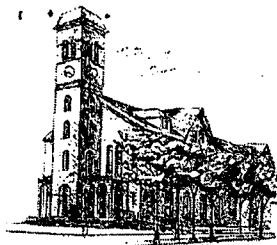
You may proceed with this action by filing the enclosed Civil Complaint along with the \$85.00 filing fee with this office.

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



to kh. C

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

August 22, 2006

Trevor Mattis

Vs.

Doc, Mr. George Patrick, CO Taylor, Lt. Smith,
Capt. Irwin, CO Brahim, Lt. Harris, J. Everhart,
Sgt. Jones, R. Reed, CO Cadwallader
06-1172-CD

Dear Mr. Mattis:

Please be advised that the action you filed to the above term and number has been stricken effective August 22, 2006. You may not proceed with this action without good cause from the court.

William A. Shaw, Prothonotary

Exh. D

Rec 4 2 07

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al,
Defendants

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No. 06-1172-CD

ORDER

NOW, this 28th day of March, 2007, upon the Court's receipt and review of the Petition for Reimbursement of Filing Fees filed by the Plaintiff, *pro se*, it is the ORDER of this Court that said Petition be and is hereby DENIED.

BY THE COURT,

/s/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

MAR 28 2007

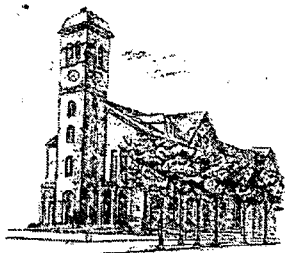
Attest.

William A. Prothonotary/
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

APR 16 2007

FILED



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659 www.clearfieldco.org

April 16, 2007

Trevor Mattis
BH-3126
P.O. Box 1000
Houtzdale, PA 16698-1000

RE: Trevor Mattis V. George Patrick
2006-1172-CD

Dear Mr. Mattis,

Enclosed is a copy of the letter from Commonwealth Court noting the appeal you submitted is transferred to this Court.

Please proceed in accordance with the letter and Rule 905.

Sincerely,

William A. Shaw
Prothonotary

Enclosure

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS

plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et. al
defendants

FILED (EW)

APR 12 2007

m/10:15/um
William A. Shaw
Prothonotary/Clerk of Courts
ms c/c

RESPONSE TO DEFENDANTS' PRELIMINARY OBJECTIONS
AND MOTION TO STAY DISCOVERY

On February 9, 2007 the defendants filed Preliminary Objections raising the sole issue of lack of jurisdiction due to the lack of proper service of the initial complaint. Plaintiff, unfamiliar with the service procedures, was confused as to the matter of service and under the mis-information that the Court automatically served the defendants upon the filing of a complaint. As a result the 30 day time period for effecting proper service expired and the complaint deemed dead. At this point the defendants Preliminary objections became mute hence there is no need for the Court to dispose of them.

Subsequently, plaintiff gained a better understanding of the proper service procedures. On March 21, 2007 the complaint was re-instated and the service process turned over to Sheriff Chester Hawkins in accordance with the proper service procedures.

The defendants Motion to Stay Discovery should be denied and plaintiff's Request for Admissions complied with in accordance to Pa. Rules of Civil Procedure 4014

In their Motion to Stay Discovery the defendants claim that plaintiff has yet to effect proper service of the complaint upon any of them. The required copies of the re-instated complaint and all

necessary contact information was turned over to Sheriff Hawkins on 3-26-07 Plaintiff has properly discharged his service obligations as required by the rules of Civil Procedure.

In the event the defendants have not yet been served by Sheriff Hawkins, which is possible, then the defendants should comply with all Discovery rules upon such service.

The defendants argue that plaintiff's Request for Admissions are more akin to an interrogatory. This is of no moment. Plaintiff is not a lawyer and his understanding of the rule for Admissions is questions that require a yes or no answer. With this plaintiff has complied. All answers to plaintiff's Request for Admission requires either admission or denial.

Plaintiff has no objection to the defendants request for a 60 days time extention upon proper service in which to comply with all discovery requests.

Respectfully submitted,



Trevor Mattis (pro-se)

DATE: April 10, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

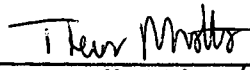
v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motion was mailed on April 10, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa 17011



Trevor Mattis (pro-se)

William A. Shaw
Prothonotary/Clerk of Courts

APR 12 2007

FILED

119

O O

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

CIVIL ACTION-(LAW) (EQUITY)

No. 2006-01172-CD

Type of Case: Civil

Type of Pleading: Defendants' Motion to Stay Discovery

Filed on Behalf of:

Trevor Mattis

Plaintiff

Capt. Irvin, CO Bahim, CO Cadwallader, CO Taylor
(Plaintiff/Defendant) DOC, Everhart, J., Lt. Harris,
Lt. Smith, Patrick, George, Reed, R., Sgt. Jones

Counsel of Record for this Party:

Robert B. MacIntyre

(Name of Attorney)

Vs.

~~Supreme Court~~ No.: Commonwealth Court No. 431 M.D. 2006

Department of Corrections, Office of Chief Counsel
(Firm name, if any)

(see above)

Defendant

55 Utley Drive, Camp Hill, PA 17011
(Address)

(717) 731-0444
(Phone)

Dated: April 6, 2007

FILED ^{ice}

^{m10 4/4/07}
APR 09 2007 ^{Attg} ₍₆₂₎

William A. Shaw
Prothonotary/Clerk of Courts

23

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

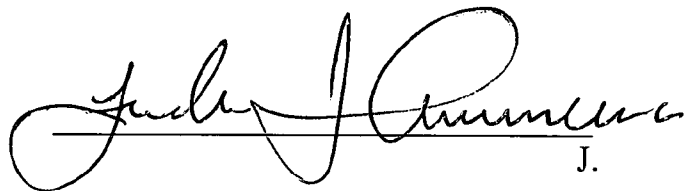
Defendants.

No. 2006-01172-CD

ORDER

NOW, this 10th day of April, 2007, upon consideration of Defendants' Motion to Stay Discovery, it is hereby **ORDERED** that the Motion is **GRANTED** and discovery is **STAYED**. No discovery responses shall be due until sixty days after the disposition of any preliminary objections filed provided that all preliminary objections are overruled.

BY THE COURT:


J.

FILED

APR 16 2007

06:30 (W)

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

1 CENT TO PLR

23

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

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: No. 2006-01172-CD
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DEFENDANTS' MOTION TO STAY DISCOVERY

AND NOW, comes the Commonwealth of Pennsylvania, Department of Corrections, and its employee defendants, by and through Robert B. MacIntyre, Assistant Counsel, and files the following Motion to Stay Discovery.

1. Plaintiff has initiated action against the defendants in this jurisdiction.
2. Defendants have filed timely preliminary objections to the complaint.
3. Plaintiff has not responded to the preliminary objections, rather Plaintiff has forwarded documents entitled "Requests for Admissions". Said documents are more akin to interrogatories rather than Requests for Admissions.
4. Plaintiff has yet to effect service of the complaint upon any of the defendants.
5. If Defendants' Preliminary Objections are sustained, there will be no need for discovery.

WHEREFORE, Defendant respectfully requests that this Court stay all discovery pending disposition of any Preliminary Objections filed.

Respectfully Submitted,
Office of General Counsel

By: 

Robert B. MacIntyre
Assistant Counsel
Attorney I.D. No. 36817
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, Pa 17011
(717) 731-0444

Dated: April 6, 2007

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

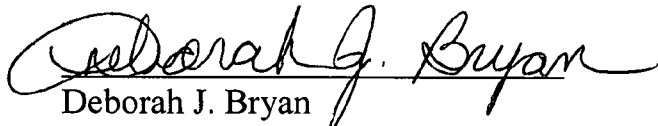
No. 2006-01172-CD

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion to Stay Discovery upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Trevor Mattis, BH-3126
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698



Deborah J. Bryan
Legal Assistant I
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: April 6, 2007

FILED

APR 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS

plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et. al
defendants

Now comes plaintiff pursuant to Pennsylvania's Rules of Civil Procedure Rule 2252 to join Ms. Nancy Smith as an additional defendant to this action. Plaintiff previously filed Additional Matters which set forth the cause of Action.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: April 2, 2007

FILED

APR 04 2007

m 10:15 am

William A. Shaw
Prothonotary/Clerk of Courts

no 96

22

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS

plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et. al

defendants

To Ms. Nancy Smith:

You are notified that you have been joined as additional
defendant in this action, which you are required to defend.

DATE: April 2, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
 plaintiff

v

No 06-1172-CD

GEORGE PATRICK, et al
 defendants

I, Trevor Mattis, plaintiff, hereby certify that a true and
correct copy of the enclosed motions was mailed on April 2, 2007 by US
mail to the defendants via:

Robert MacIntyre
55 Utley Drive
Camp Hill, Pa 17011



Trevor Mattis (pro-se)

William A. Shaw
Prothonotary/Clerk of Courts

APR 04 2007

FILED

AS MOTION ATTACHED
RECEIVED

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al,
Defendants

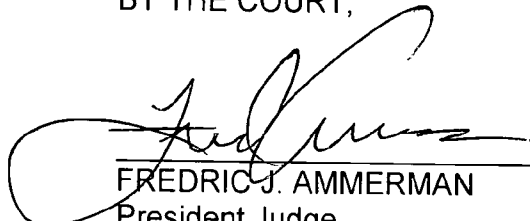
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No. 06-1172-CD

ORDER

NOW, this 28th day of March, 2007, upon the Court's receipt and review of the
Petition for Reimbursement of Filing Fees filed by the Plaintiff, *pro se*, it is the ORDER
of this Court that said Petition be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

MAR 28 2007

0/11:00/

William A. Shaw
Prothonotary/Clerk of Courts

1 sent to Plff.

+

Arty MacIntyre

(21)

FILED

MAR 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

BK-3126

P.O. Box 1000

Houston, PA
16699-1000

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS plaintiff

v

No. 06-1172-CD

George Patrick, et. al
defendants

PETITION FOR REIMBURSEMENT OF FILING FEES

Now comes plaintiff, Trevor Mattis, in lieu of this honorable
court granting him In Forma Pauperis status, to request reimbursement
his filing fee of \$85 00

Respectfully submitted,

Trevor Mattis
Trevor Mattis pro-se

FILED

MAR 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

wo c/c

FILED
MAR 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS,
Plaintiff

v

No 06-1172-CD

George Patrick, et. al,
(Defendants)

PRAECIPE TO REINSTATE COMPLAINT NO. 06-1172-CD

Now comes plaintiff, Trevor Mattis, pursuant to Pennsylvania Rules of Civil Procedure Rule 401 to reinstate complaint No 06-1172-CD. Enclosed is a fee for \$7 00 and a copy of the complaint

Respectfully submitted,

Trevor Mattis (pro-se)

DATE: ~~February 9, 2007~~
March 15, 2007

FILED

MAR 21 2007

W/12:30 PM
William A. Shaw

Prothonotary/Clerk of Courts
NO COURT COPIES

ISSUED REINSTATE COMPLAINT
TO PLAINTIFF

FILED
MAR 21 2007
Prothonotary/Clerk of Courts
William A. Shaw

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS,
Plaintiff

v

No. 06-1172-CD

George Patrick, et. al,
(Defendants)

FILED
m/3:18/07 NO CC
MAR 15 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE TO PROCEED IN FORMA PAUPERIS

Now comes plaintiff, Trevor Mattis, to renew his request to proceed In Forma Pauperis. On July 27, 2006 this court believing it lacked jurisdiction denied plaintiff's request to proceed In Forma Pauperis. Plaintiff then refiled his complaint to the Commonwealth Court which remanded the case back to this court. Now that the matter of jurisdiction has been clarified plaintiff renews his request to proceed In Forma Pauperis. Enclosed is the original affidavit in support of the motion for In Forma Pauperis status.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: February 9, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

No. 06-1172-CD

v

DOC, Mr George Patrick, CO Taylor,
Lt. Smith, Capt. Irwin, CO Braham,
Lt. Harris, J Everhart, Sgt. Jones
R Reed, CO Cadwellader
(Defendants)

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Office of the Prothonotary:

Kindly allow Trevor Mattis, a pro-se plaintiff, to proceed in forma pauperis. I have attached an affidavitt and an authentic financial monthly statement from the institution's Business Office hereto in support.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

v

DOC, Mr. George Patrick, CO Taylor,
Lt. Smith, Capt Irwin, CO Braham,
Lt. Harris, J Everhart, Sgt. Jones,
R. Reed, CO Cadwallader
(Defendants)

AFFIDAVIT IN SUPPORT

- 1) I am the plaintiff in the above action and because of my financial condition I am unable to pay the fees and cost of prosecuting this matter
- 2) I am unable to obtain funds from anyone, including 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 cost is true and correct:

(a) NAME: Trevor Mattis, BH-3126
ADDRESS: SCI-Houtzdale
P.O Box 1000
Houtzdale PA 16698-1000
SOCIAL SECURITY No : 829-00-1365
EMPLOYMENT: No

(b) If you are presently employed, state

Employer: none
Address: none

Salary or wages per month: \$33:00

Type of work: Block Worker

(c) Other income within the last 12 months

Business or profession: none
Other self employment: none
Interest: none

Dividends: none
Pension and annuities: none
Social Security benefits: none
Disability payments: none
Unemployment compensation and Supplemental benefits: none
Workman's compensation: none
Public Assistance: none
Other: none

(d) Other contribution to household support

Wife's name: N/A
If your wife's employed, state
Employer: N/A
Salary or wages per month: N/A
Type of work: N/A
Contributions from children: N/A
Contributions from parent: N/A
Other contributions: N/A

(e) Property owned

Cash: none
Checking account: none
Certificates of deposit: none
Real Estate(including home): none
Motor vehicle: none
Stocks or Bonds: none

(f) Debts and obligations

Mortgage: none
Rent: none
Loans: none
Other: none

(g) Persons dependent upon for support

Wife's name: none
Children if any: none
Other person: none

(h) I understand that I have a continuing obligation to inform the court of improvements in my financial circumstances which would permit me to pay the cost and fees of this matter

VERIFICATION

(5) I verify that the statements made in this affidavit are true and correct I understand that false statements here in are made subject to penalties of perjury under Title 18 Pa 4909.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: June 29, 2006

FILED

MAR 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

NAME Trevor Mathis

NUMBER BN-3126

P.O. BOX 1000

HOUTZDALE PA 16698-1000



PA Dept of Corrections
Inmate Mail

William Shaw

Clerk of Courts

P.O. Box 549

Clearfield Pa. 16832

Inmate Mail

PA Department of Corrections

16630+0349-49 B003



1A

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

TREVOR MATTIS,
Plaintiff

v.

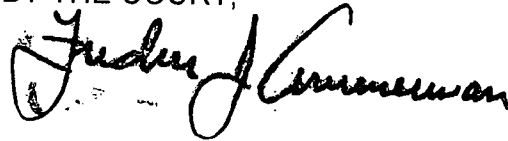
GEORGE PATRICK, et al
Defendants

*
*
* NO. 06-1172-CD
*
*

ORDER

NOW, this 14th day of March, 2007, following receipt and review of the Defendant's *pro se* Praecipe to Proceed In Forma Pauperis, it is the ORDER of this Court that the Defendant's request to Proceed In Forma Pauperis be and is hereby GRANTED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 3CCP diff:
M 13:18/30 BH 3126
MAR 15 2007 PO Box 1000
SCI Houtzdale
William A. Shaw Houtzdale
Prothonotary/Clerk of Courts PA 16018-1000

62

#17

FILED

MAR 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/15/07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS,
Plaintiff

v

No. 06-1172-CD

George Patrick, et. al,
(Defendants)

PRAECIPE TO REINSTATE COMPLAINT NO. 06-1172-CD

Now comes plaintiff, Trevor Mattis, pursuant to Pennsylvania Rules of Civil Procedure Rule 401 to reinstate complaint No. 06-1172-CD. Enclosed is a fee for \$7.00 and a copy of the complaint.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: February 9, 2007

FILED

FEB 14 2007

M/11:00/12

William A. Shaw
Prothonotary/Clerk of Courts

NO CERT COPIES

ISSUED REINSTATE

COMPLAINT TO PLA

#116

William A. Shaw
Prothonotary/Clerk of Courts

FEB 14 2007

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

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:
: No. 2006-01172-CD
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ORDER

AND NOW, this 12 day of February, 2007, upon consideration of Defendants' Preliminary Objections, it is hereby ORDERED that the Plaintiff's Complaint is **DISMISSED** for lack of personal jurisdiction over the Department. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service.

BY THE COURT:


J.

FILED

013:10/51
FEB 13 2007

ICC
Atty MacIntyre
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/13/07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

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:
: No. 2006-01172-CD
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PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance as counsel on behalf of the Defendants,
Pennsylvania Department of Corrections and its employees, in the above-captioned
matter.

Respectfully submitted,
Office of General Counsel

By: 

Robert B. MacIntyre
Assistant Counsel
Attorney I.D. No. 36817
Pennsylvania Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Attorney for Defendants

Dated: February 9, 2007

FILED *icc*
m/11:40/07 Amy
FEB 12 2007 *copy to CIA*
William A. Shaw
Prothonotary/Clerk of Courts
GR

#14

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

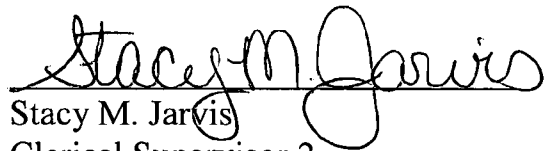
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CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Praecipe for Entry of Appearance upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Trevor Mattis, BH-3126
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698-1000


Stacy M. Jarvis

Clerical Supervisor 2
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: February 9, 2007

FILED

FEB 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

FEB 12 2007

ICC
Any
CP

William A. Shaw
Prothonotary/Clerk of Courts

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

No. 2006-01172-CD

DEFENDANTS' PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT

AND NOW, comes the Defendants, the Pennsylvania Department of Corrections and its employees, by and through their attorney, Robert B. MacIntyre, and in accord with Pa.R.C.P. 1028, raises the following preliminary objections to Plaintiff's Complaint and, in support thereof, avers the following:

1. Plaintiff is Trevor Mattis, an inmate incarcerated at the State Correctional Institution at Houtzdale (hereinafter, "SCI-Houtzdale").
2. On or about July 21, 2006, Plaintiff initiated a civil action by filing a Complaint and an *in forma pauperis* ("IFP") Petition with this Honorable Court.
3. On July 27, 2006, this Court denied Plaintiff's IFP Petition.
4. On or about August 22, 2006, this Court directed Plaintiff's Complaint to be dismissed.

5. Following the denial of his IFP Petition, but while the action was still active, Plaintiff, on or about August 11, 2006, filed a Petition for Review with the Commonwealth Court.

6. On August 14, 2006, prior to this Court's termination of Plaintiff's Complaint, the Commonwealth Court transferred the Petition for Review to Clearfield County.

7. On or about December 3, 2006, Plaintiff filed a document titled "Additional Matters."

8. Said document appears to be a request to amend the original Complaint.

9. The original Complaint, filed July 21, 2006, has never been served upon the Defendants.

10. Plaintiff served his "Additional Matters" by addressing the same to the undersigned by first class mail.¹

**PRELIMINARY OBJECTION ON GROUNDS OF
LACK OF PERSONAL JURISDICTION**

11. Plaintiff's claims should be dismissed for lack of personal jurisdiction.

¹ Apart from the Commonwealth Court's Order of August 14, 2006, no documents had been served upon the Defendants until Plaintiff's "Additional Matters."

12. The requirements for service of process under Pennsylvania Rule of Criminal Procedure 402 and/or 403 have not been met. Process requires personal service upon each respondent.

13. Additionally, Plaintiff has failed to perfect service under the Commonwealth Court's original jurisdiction, Pa.R.A.P. 1514(c), which requires either personal service or service by certified mail upon the Department of Corrections and the Office of the Attorney General.

14. Notice of Plaintiff's Complaint was provided by Prothonotary of the Commonwealth Court, who provided a courtesy copy of the Order transferring the matter to Clearfield County.

15. The failure of the Plaintiff to properly serve the Defendants in a manner prescribed by the Rules of Court render service defective and precludes the Court from exercising personal jurisdiction over the Department or its employees.

16. The Department requests permission to file any additional preliminary objection within thirty (30) days of service of the Complaint, if and when Plaintiff makes proper service.

WHEREFORE, the Defendants make this objection pursuant to Pa.R.Civ.P. 1028(a)(1) and requests that the Complaint be dismissed for lack of personal jurisdiction over the Department.

Respectfully submitted,

Office of General Counsel

By:


Robert B. MacIntyre

Assistant Counsel

Attorney I.D. No. 36817

Pennsylvania Department of Corrections

55 Utley Drive

Camp Hill, PA 17011

(717) 731-0444

Attorney for Defendants

Dated: February 9, 2007

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA**

TREVOR MATTIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

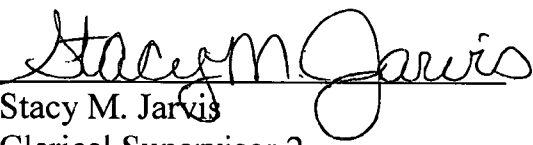
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CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the Defendants' Preliminary Objections to Plaintiff's Complaint upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Trevor Mattis, BH-3126
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698-1000


Stacy M. Jarvis
Clerical Supervisor 2
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: February 9, 2007

FILED

FEB 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al
Defendants

*

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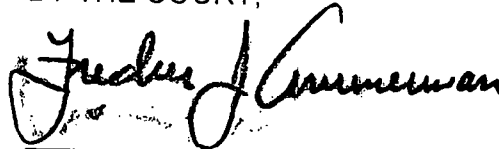
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NO. 06-1172-CD

ORDER

NOW, this 1st day of February, 2007, the Court having reviewed the Plaintiff's *pro se* Petition for the Appointment of a Judge, the above matter being on the undersigned's caseload, it is the ORDER of this Court that said Petition be and is hereby DENIED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

FEB 02 2007

01 2:00 (W.A.)

William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO PLAINTIFF
W/ COPY OF LETTER

1 CERT TO ATTY. MACINTYRE

MAILED 11 COPIES
OF COMPLAINT TO
PLFF

12

FILED

FEB 02 2007

**William A. Shaw
Prothonotary/Clerk of Courts**



OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
PHONE: 814 / 765-2641
FAX: 814 / 765-7649

COURT ADMINISTRATOR

RONDA WISOR
DEPUTY COURT ADMINISTRATOR

December 18, 2006

Trevor Mattis, BH-3126
SCI - Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

Re: Mattis v. Patrick, et al
No. 06-1172-CD

Dear Mr. Mattis:

The Clearfield County Court of Common Pleas has received your "Petition for the Appointment of a Judge" which you apparently filed with the Commonwealth Court. Our computer system produces a docket sheet that says "No Judge" because no document has yet been filed which requires a judge to sign an order or issue a decision. As soon as any such document is filed your case will be assigned to one of our two judges. No one has denied you access to the Court. This process is standard procedure.

As to the lack of any response by the Defendants, we have no knowledge of their actions or inactions. One could wonder if each defendant was served with your original petition in conformity with the Rules of Civil Procedure. However, please note that we are not lawyers and can not give you legal advice.

Also be advised the Commonwealth Court has transferred the case to Clearfield County, so it is not appropriate for you to file any further documents with the appellate court. All documents should be filed directly with the Clearfield County Prothonotary using the above stated docket number.

Sincerely,

Ronda J. Wisor
Deputy Court Administrator

FILED

FEB 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

cc: Robert B. MacIntyre - Asst. Counsel
(w/ copy of petition)

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
~~COMMON PLEAS~~
CLEARFIELD COUNTY

FILED

DEC 19 2006

ml 11:00/6
William A. Shaw
Prothonotary/Clerk of Courts
no clear copy

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Everhart to make the following admissions within 30 days of receiving this request:

- 1 Have you ever fabricated or caused to be fabricated a misconduct against an inmate?
- 2 Do you regularly place inmates in confrontational situations for personal entertainment?
3. Are you allowed to retaliate against inmates because they access the grievance process?
- 5 Are you allowed to retaliate against inmates because they access the courts?
- 6 Are you allowed to discriminate against inmates when applying DOC rules and regulations
- 7 Do you discriminate against inmates based on their religion or nationality?
- 8 Are you a racist?
- 9 Are you required to meet with an inmate for an informal resolution?
- 11 If you fail to meet with an inmate for an informal resolution in the time allowed does that make the misconduct null and void?
- 12 Have you ever conspired with co-workers to retaliate against an inmate?
13. Has there been any grievances filed against you in the last 4 years?

14 Has there been any internal investigations against you in the last 4 years?

15 Have you ever been disciplined in the last 10 years?

Respectfully submitted,

Trevor Mattis
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

FILED

DEC 19 2006

William A. Shaw
Prothonotary/Clerk of Courts

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa Rules of Civil Procedure 4014 plaintiff requests defendant Tice to make the following admissions within 30 days of receiving this request:

1. During an investigative cell search must the inmate be present?
2. If an inmate's property is confiscated during a cell search should he receive a confiscation slip for the property confiscated?
3. Can an inmate appeal a confiscation via the grievance process?
4. Are you allowed to confiscate inmate property simply because it is critical of the DOC?
5. Are inmate organizations considered a security threat at SCI-Houtzdale?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE: 12-13-06

FILED

DEC 19 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COMMONWEALTH COURT OF

PENNSYLVANIA
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET.AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Patrick to make the following admissions within 30 days of receiving this request:

- 1 Is hair testing part of your drug screening protocol?
- 2 Is it your policy to have inmates degrade and humiliate themselves?
- 3 Should inmates be forced to humiliate or degrade themselves?
- 4 Is white staff allowed to degrade and humiliate Black inmates?
- 5 Are inmate organizations a security risk?
- 6 Are inmate organization allowed at Houtzdale?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Cadwallader to make the following admissions within 30 days of receiving this request:

- 1 Did you conspire with co-workers to harass or retaliate against inmate Trevor Mattis BH-3126?
- 2 Do you discriminate against inmates?
3. If two inmates are in the exact same scenario do you treat them equally?
- 4 Did Mr. Everhart ask you to confiscate Trevor Mattis's radio and television when he(Mattis) was sanctioned Lost of Privilege?
- 5 Do you confiscate all inmates radio and television sanctioned with loss of said privileges on C-Block?

Respectfully submitted,

T Mattis
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No 431 MD 2006/2006-01172-CD

DOC, Mr George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa Rules of Civil Procedure 4014 plaintiff requests defendant Smith to make the following admissions within 30 days of receiving this request:

1. Are you a lawyer?
2. Are legal materials in active cases considered excess property to be shipped or destroyed?
3. Do you regularly force inmates to ship or destroy their legal property during intake in the RHU?
4. Does your job title place you above the laws of Pennsylvania and the Constitution?
5. Are you allowed to violate an inmate's First Amendment rights?
6. Is an inmate allowed to appeal a dispute about his property via the grievance process?
7. Are you required to issue a confiscation slip whenever you confiscate personal property from an inmate?
8. Can an inmate appeal via the grievance process to have his property returned?
9. Can you override the grievance process?
10. Are you allowed to retaliate against an inmate because they access or request to access the grievance process?

- 11 Have you ever retaliated against an inmate for the above?
- 12 Has there been any grievance filed against you in the last 4 years?
- 13 Has there been any internal investigation against you in the last 4 years?
- 14 Have there been any disciplinary hearings against you in the last 4 years?

Respectfully submitted,

Trevor
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

PENNSYLVANIA
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr George Patrick, ET AL
(Defendants)

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

DEC 19 2006

Attest.

William H. Davis
Prothonotary/
Clerk of Courts

REQUEST FOR ADMISSIONS

Pursuant to Pa Rules of Civil Procedure 4014 plaintiff requests defendant Harris to make the following admissions within 30 days of receiving this request:

- 1 Are you a racist?
- 2 Do you discriminate against inmates?
- 3 If two inmates are in the exact same position do you treat them equally?
- 4 Has there been any grievances filed against you in the last 4 years?
- 5 Has there been any internal investigations against you in the last 4 years?
- 6 Has there been any disciplinary action against you in the last 4 years?
- 7 Have you ever coerced a subordinate to file a misconduct against an inmate?
- 8 Do you harass and provoke inmates?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE:12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa Rules of Civil Procedure 4014 plaintiff requests defendant Jones to make the following admissions within 30 days of receiving this request:

1. Have you ever fabricated a misconduct against an inmate?
2. Have you ever targeted an inmate for harassment, provocation, or intimidation?
3. Have you ever conspired with a co-worker to fabricate a misconduct against an inmate?
4. Has there been any grievances filed against you in the last 4 years?
5. Has there been any internal investigations against you in the last 4 years?
6. Have you ever been disciplined in the last 4 years?
7. Has Mr. Everhart ever asked you to fabricate evidence or corroborate such fabrication against any inmate?

Respectfully submitted,

T. Mattis

Trevor Mattis pro-se

DATE 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

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

DEC 19 2006

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

Attest

William A. Shaw
Prothonotary/
Clerk of Courts

DOC, Mr. George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Irwin to make the following admissions within 30 days of receiving this request:

1. During an investigative cell search must the inmate be present?
2. If an inmate's property is confiscated during a cell search should he receive a confiscation slip for the property confiscated?
3. Can an inmate appeal a confiscation via the grievance process?
4. Are you allowed to confiscate inmate property simply because it is critical of the DOC?
5. Are inmate organizations considered a security threat at SCI-Houtzdale?
6. Have you ever fabricated evidence against an inmate?
7. Have you ever fabricated or tried to fabricate evidence against staff?
8. Has there been any grievances filed against you in the last 4 years?
9. Has there been any internal investigations against you in the last 4 years?
10. Have you ever been disciplined in the last 10 years?
11. Have you ever coerced inmates into providing false evidence against other inmates or staff?
12. Do you target inmates for harassment, intimidation, or provocation?
13. Do you threaten or coerce inmates to sign off on grievances they file against

your co-workers?

14 Do you have hair testing for drug screening?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE:12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

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

DEC 19 2006

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

Attest.

William A. H.
Prothonotary/
Clerk of Courts

DOC, Mr George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa Rules of Civil Procedure 4014 plaintiff requests defendant
Brahim to make the following admissions within 30 days of receiving this request:

- 1 During an investigative cell search must an inmate be present?
- 2 If an inmate's property is confiscated during a cell search must he be given a
confiscation slip for the property taken?
- 3 Have you ever confiscated an inmate's property and not given them a confiscation
slip?
- 4 Are you allowed to retaliate against an inmate because he filed a grievance?
- 5 Are you allowed to retaliate against an inmate because he wrote things critical
of the DOC?
- 6 Are you allowed to retaliate against an inmate because he accessed the court?
- 7 Have you ever retaliated against an inmate?
- 8 Have you ever seen a co-worker retaliate against an inmate?
- 9 Has there been any grievances filed against you in the last 4 years?
- 10 Has there been any internal investigations against you in the last 4 years?
- 11 Have you ever been disciplined in the last 4 years?
- 12 Is it your job to humiliate inmates?
- 13 Is it your job to force inmates to degrade themselves for personal

entertainment?

13. Have you ever stolen an inmate's property?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No. 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Taylor to make the following admissions within 30 days of receiving this request:

1. Are you a lawyer?
2. Are you allowed to force an inmate to ship or destroy his legal materials.
3. Have you ever forced an inmate to ship or destroy his legal materials?
4. Are you allowed to retaliate against an inmate because they filed a grievance.
5. Have you ever retaliated against an inmate?
6. Have you ever conspired with a co-worker to retaliate against an inmate?
7. When you inventory an inmate's property are you required to give them a DC-153 inventory sheet?
8. If you confiscate an inmate's property is he allowed to request a confiscation slip for that property?
9. Is an inmate allowed to appeal a confiscation via the grievance process?
10. Has there been any internal investigations against you in the last 4 years?
11. Has there been any disciplinary action taken against you in the last 4 years?
12. Has there been any grievances filed against you in the last 4 years?

Respectfully submitted,

T. Mattis

Trevor Mattis pro-se

DATE: 12-13-06

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

v

No 431 MD 2006/2006-01172-CD

DOC, Mr. George Patrick, ET.AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Robert Reed to make the following admissions within 30 days of receiving this request:

1. Are you an officer of the court?
2. Are you qualified to be an officer of the court?
3. What are your qualifications for being a hearing examiner?
4. Are you allowed to retaliate against an inmate?
5. Are you allowed to conspire with, enable, or abet co-workers in retaliating against an inmate?
6. Are you allowed to arbitrarily ignore DOC rules and regulations in order to find an inmate guilty of an infraction?
8. Do you need to consider all evidence before determining an inmate's guilt or innocence in a misconduct?
9. Are there any regulations or criteria for an informal resolution to be referred to you?
10. Is it your policy to automatically render a finding of guilt on any informal misconduct referred to you?
11. If the time for a hearing has elapsed is that misconduct null and void?

Respectfully submitted,

Date: 12-13-06

Trevor Mattis pro-se

IN THE COMMONWEALTH COURT OF

~~PENNSYLVANIA~~
COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,

Plaintiff

No. 431 MD 2006/2006-01172-CD

v

DOC, Mr George Patrick, ET AL
(Defendants)

REQUEST FOR ADMISSIONS

Pursuant to Pa. Rules of Civil Procedure 4014 plaintiff requests defendant Dr
Naji to make the following admissions within 30 days of receiving this request:

1 Are you an orthopedic specialist?

Respectfully submitted,

T. Mattis
Trevor Mattis pro-se

DATE: 12-13-06

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY

TREVOR MATTIS,
Plaintiff

v

No. 2006-1172-CD

George Patrick, et al.
Defendants

CERTIFICATE OF SERVICE

I, Trevor Mattis, plaintiff, do hereby certify that a true and correct copy of the Request For Admissions was served upon the defendants' counsel Robert MacIntyre at 55 Utility Drive, P.O Box 598, Camp Hill Pa. 17001-0598, on December 13, 2006

Trevor Mattis

Trevor Mattis pro-se

FILED

DEC 19 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

v

No 431 MD 2006/2006-01172-CD

DOC, Mr George Patrick, CO Taylor,
Lt Smith, Capt Irwin, CO Brahim,
Lt Harris, J Everhart, Sgt Jones
R Reed, CO Cadwallader
(Defendants)

ADDITIONAL MATTERS

Now comes plaintiff Trevor Mattis to add the following claims and defendants Nancy Smith and Dr Naji to his original complaint.

1. On 10-11-06 defendant Nancy Smith opened or caused to be opened plaintiff's legal mail outside his presence.
- 2 This is a violation of plaintiff's First Amendment rights.
- 3 Plaintiff filed a grievance which was denied
4. The defendant continues this practice in violation of the laws of the land
- 5 Defendants Nancy Smith and Patrick cite a DOC policy as being above the constitution
- 6 Plaintiff has suffered from a chronic knee problem for the last 2 years
- 7 On 3 occasions plaintiff has been seen by Dr Naji about the knee problem.
- 8 Plaintiff requested to be seen by a specialist
- 9 Dr Naji refused plaintiff's request

FILED

DEC 14 2006

m/12:20/w
William A. Shaw
Prothonotary/Clerk of Courts

no cert con

810

10 Plaintiff explained he needed a sturdy knee brace to support his knee in order to prevent the injury recurring

11 Dr Naji denied plaintiff's request

12 Plaintiff requested permission to use his own funds to purchase the required knee brace.

13 Dr Naji denied Plaintiff's request

14 A month later plaintiff's knee was re-injured causing swelling and excruciating pain for 3 months.

15 Plaintiff's knee has been re-injured 3 times

16 This deliberate indifference and gross negligence violates plaintiff's constitutional right to be free from cruel and unusual punishment.

CAUSE OF ACTION

Eleventh Cause of Action (Violation of First Amendment Rights)

Plaintiff alleges Superintendent Patrick and Nancy Smith have violated and continue to violate known laws to deny him Due Process by opening all his legal mail outside his presence.

Twelveth Cause of Action (Deliberate Indifference, Negligence)

Plaintiff alleges Dr Naji has been deliberately indifferent to his chronic knee problem. As a direct result plaintiff has suffered serious injury and excruciating pain.

Relief Requested

On the Eleventh Cause of Action

- a) For punitive damages in the sum of \$10,000
- b) For any other relief as the Court deems fit

On the Twelveth Cause of Action

- a) For compensatory damages \$5,000
- b) For emotional damages \$5,000
- c) For punitive damages \$10,000
- d) That plaintiff be seen by an orthopedic specialist.
- e) For any relief as the Court deems fit

Respectfully submitted,

Signed: Therun M. Smith
Therun M. Smith

December 3, 2006

Prothonotary/Clerk of Courts
William A. Shaw

DEC 14 2006

FILED

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

06-1172-CD

FILED Received
M 11:34/61 from Comm. Court
DEC 13 2006

TREVOR MATTIS,

Plaintiff

William A. Shaw
Prothonotary/Clerk of Courts

v

No 431 MD 2006/2006-04172

DOC, Mr George Patrick, CO Taylor,
Lt Smith, Capt Irwin, CO Brahim,
Lt Harris, J Everhart, Sgt Jones
R Reed, CO Cadwallader
(Defendants)

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
2006 DEC 11 A 8:47

ADDITIONAL MATTERS

Now comes plaintiff Trevor Mattis to add the following claims and defendants Nancy Smith and Dr Naji to his original complaint.

1 On 10-11-06 defendant Nancy Smith opened or caused to be opened plaintiff's legal mail outside his presence.

2 This is a violation of plaintiff's First Amendment rights

3 Plaintiff filed a grievance which was denied

4. The defendant continues this practice in violation of the laws of the land

5 Defendants Nancy Smith and Patrick cite a DOC policy as being above the constitution

6 Plaintiff has suffered from a chronic knee problem for the last 2 years

7 On 3 occasions plaintiff has been seen by Dr Naji about the knee problem.

8 Plaintiff requested to be seen by a specialist

9 Dr Naji refused plaintiff's request

10 Plaintiff explained he needed a sturdy knee brace to support his knee in order to prevent the injury recurring

11 Dr Naji denied plaintiff's request

12 Plaintiff requested permission to use his own funds to purchase the required knee brace.

13 Dr Naji denied Plaintiff's request

14 A month later plaintiff's knee was re-injured causing swelling and excruciating pain for 3 months

15 Plaintiff's knee has been re-injured 3 times

16 This deliberate indifference and gross negligence violates plaintiff's constitutional right to be free from cruel and unusual punishment

CAUSE OF ACTION

Eleventh Cause of Action (Violation of First Amendment Rights)

Plaintiff alleges Superintendent Patrick and Nancy Smith have violated and continue to violate known laws to deny him Due Process by opening all his legal mail outside his presence.

Twelveth Cause of Action (Deliberate Indifference, Negligence)

Plaintiff alleges Dr Naji has been deliberately indifferent to his chronic knee problem As a direct result plaintiff has suffered serious injury and excruciating pain

Relief Requested

On the Eleventh Cause of Action

- a) For punitive damages in the sum of \$10,000
- b) For any other relief as the Court deems fit

On the Twelveth Cause of Action

- a) For compensatory damages \$5,000
- b) For emotional damages \$5,000
- c) For punitive damages \$10,000
- d) That plaintiff be seen by an orthopedic specialist.
- e) For any relief as the Court deems fit

Respectfully submitted,

Signed: Henry M. H. H.

December 3, 2006

CERTIFICATE OF SERVICE

I Trevor Mattis, plaintiff, do hereby certify that a true and correct copy of the motion for Additional Matters was served upon the defendants counsel Robert MacIntyre at 55 Utility Drive, P O Box 598, Camp Hill Pa 17001-0598, on December 3, 2006

Trevor Mattis
Trevor Mattis (pro-se)

FILED

DEC 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

06-1172-CD

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA

2006 DEC -8 A 8:29

TREVOR MATTIS,

Plaintiff

No 431 MD 2006/2006-01172-CD

v

DOC, Mr. George Patrick, CO Taylor,
Lt Smith, Capt Irwin, CO Brahim,
Lt Harris, J Everhart, Sgt. Jones
R Reed, CO Cadwallader
(Defendants)

PETITION FOR THE APPOINTMENT OF A JUDGE

Now comes plaintiff Trevor Mattis to respectfully request that the Court appoint a judge to hear his complaint in Clearfield County Court of Common Pleas On 9-14-06 this Court issued a per curiam order that this case No 431 MD 2006 be transferred to and disposed of in the Court of Common Pleas of Clearfield County Since then all plaintiff's attempts to access the Court has not been processed and the docket entries state "no judge." See Exhibit A. This has denied plaintiff access to the court. Plaintiff is at lost on how to proceed and therefore requests the Court to appoint a judge to dispose of this complaint. The defendants have taken advantage of the lack of judicial oversight and defaulted by failing to respond.

Respectfully submitted,

Signed: Trevor Mattis
Trevor Mattis (pro-se)

DATE: December 3, 2006

FILED No cc
DEC 13 2006 Received
from Comm.
Court
William A. Shaw
Prothonotary/Clerk of Courts

#8

Date: 7/17/2006

Time: 10:23 AM

Page 4 of 4

Clearfield County Court of Common Pleas

Complete Case History

Case: 2006-01172-CD

User: BILLSHAW

Trevor Mattis vs. George Patrick, etal.

Register of Actions

7/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Ammerman, Fredric Joseph
8/22/2006	Letter to Plaintiff, Case Stricken effective August 22, 2006.	No Judge,
8/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge,
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge,
8/31/2006	Order, filed NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge,
9/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge,
9/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge,

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

Exhibit A

FILED

DEC 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

Date: 09/18/2006
Time: 01:20 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1915588
Page 1 of 1

Received of: Mattis, Trevor (plaintiff) \$ 85.00

Eighty-Five and 00/100 Dollars

Case: 2006-01172-CD	Plaintiff: Trevor Mattis vs. George Patri	Amount
Civil Complaint		85.00
Total:		85.00

PAID
9/18/06

Check: 09814991106

Payment Method: Money Order
Amount Tendered: 85.00
Change Returned: 0.00
Clerk: BHUDSON

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

From: TREVOR MATTIS BH3126
PO Box 1000
Houtzdale PA 16698

TO: PROTHONOTARY William Shaw
Clearfield County Courthouse

RE: 06-1172-CD

Postal Money Order for \$85.00 is
~~enclosed~~ enclosed.

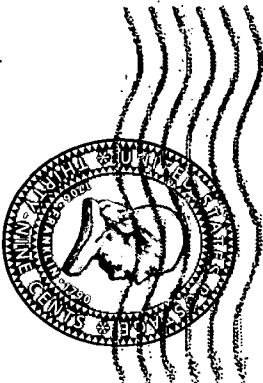
Money order Enclosed

Money order Enclosed

TEVER MATHS BH3126

PO Box 1000 16698
Jenotzdale, PA 16830

NEW YORK NY 100
25 AUG 2006 PM 12 L

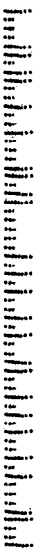


061123-070100
Hold for ATTN Prothonotary William Shaw

Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830

RECEIVED
PROTHONOTARY'S OFFICE
8-28-06
WILLIAM A. SHAW
PROTHONOTARY CLERK OF COURTS

16830+2442



 THIS ENVELOPE IS RECYCLABLE AND MADE
WITH 30% POST CONSUMER CONTENT.



UNITED STATES
POSTAL SERVICE

POSTAL MONEY ORDER

W/28

SERIAL NUMBER

09814991106

YEAR, MONTH, DAY

2006-08-25

POST OFFICE

100181

U.S. DOLLARS AND CENTS

0000851000

EIGHTY FIVE DOLLARS & 00c

AMOUNT

PAY TO

Clearfield County

ADDRESS

230 East Market St

Clearfield PA 16830

P.O.D. NO. OR
USED FOR

NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS
SEE REVERSE WARNING

FROM

Kevin Maltis B13126

CLERK

0020

ADDRESS

PO Box 1000

Montvale PA 16698

0000008002

09814991106

September 15, 2006

06-1172-CD. Mattis vs. Patrick et al

Doris:

Here is the Mattis case from Commonwealth Court that we had previously talked to you about on August 28th. We are still holding the \$85.00 filing fee he submitted.

(8-28-06)

In the mail from Saturday, we received a Motion for Good Cause and Permission to Proceed from Trevor Mattis. His case had previously been stricken when he failed to pay the filing fee after the IFP Petition was denied. This afternoon, August 28th, we received a money order for \$85.00 and a note from Mr. Mattis. He apparently wants to pay the filing fee. If the judge grants him permission to proceed, we can receipt the money. But if it is denied, we will need to return the money order to him. When the judge does his order granting or denying the motion, can it also include a paragraph regarding this money order, directing us to process it as a filing fee or return it to the Plaintiff? Thank you.

Bonnie

keep money + file it

+ go

ADVISE Robert
MacIntyre that it
has been file -

Resp - to L



Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

September 14, 2006

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

TO:

06-1172-CD

RE: Mattis v. DOC et al
No.431 MD 2006
Trial Court/Agency Dkt. Number:
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
----------------------	------------	-------------

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

September 15, 2006
Date

Printed Name

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

FILED

SEP 15 2006
12:00 PM

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 15 2006

William A. Shaw
Prothonotary/Clerk of Courts

PAID
SEP 15 2006
SEP 15 2006
SEP 15 2006
SEP 15 2006

Docket Number: 431 MD 2006

Page 1 of 3

September 14, 2006



06-1172-CD

Trevor Mattis,
Petitioner

v.

DOC, Mr. George Patrick,
CO Taylor, Lt. Smith, Capt.
Irvin, CO Bahim, Lt. Harris,
J. Everhart, Sgt. Jones,
R. Reed, CO Cadwallader,
Respondents

FILED

m12:00601
SEP 15 2006Ad
ByWilliam A. Shaw
Prothonotary/Clerk of Courts

Initiating Document: Complaint

Case Status: Closed

August 14, 2006

Completed

Case Processing Status:

Journal Number:

Case Category: Miscellaneous

CaseType:

Inmate Petition for Review

Consolidated Docket Nos.:

Related Docket Nos.:

COUNSEL INFORMATION

Petitioner Mattis, Trevor

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: Pending

Attorney: Mattis, Trevor

Bar No.:

Law Firm:

Address: BH-3126 SCI-Houtzdale

P O Box 1000

Houtzdale, PA 16698

Phone No.:

Fax No.:

Receive Mail: Yes

Certified from the Record

SEP 14 2006

and Order Exit

Respondent Department of Corrections

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Farnan, Michael A.

Bar No.: 69158

Law Firm:

Address: Pennsylvania Dept. of Corrections

P.O. Box 598

Camp Hill, PA 17001

Phone No.: (717)975-4864

Fax No.: (717)703-3622

Docket Number: 431 MD 2006



Page 2 of 3

September 14, 2006

Receive Mail: Yes

TRIAL COURT/AGENCY INFORMATION

Court Below: Department of Corrections

County:

Division:

Date of Order Appealed From:

Judicial District:

Date Documents Received: August 11, 2006

Date Notice of Appeal Filed:

Order Type:

Judge:

Lower Court Docket No.:

ORIGINAL RECORD CONTENTS

Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFING SCHEDULE

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Exit Date	Party Type	Filed By
August 11, 2006	Complaint Filed		Petitioner	Mattis, Trevor
August 11, 2006	Application to Proceed In Forma Pauperis		Petitioner	Mattis, Trevor
August 14, 2006	Transfer	8/15/2006		Per Curiam

The mater is TRANSFERRED to the Court of Common Pleas of Clearfield County.

September 14, 2006 Transfer to Court of Common Pleas
Clearfield County

Commonwealth Court Filing Office

Docket Number: 431 MD 2006

Page 3 of 3

September 14, 2006



SESSION INFORMATION

Journal Number:

Consideration Type:

Date Listed/Submitted:

DISPOSITION INFORMATION

Related Journal Number:

Judgment Date: 8/14/2006

Disposition Category:

Disposed Before Decision

Disposition Author: Per Curiam

Disposition:

Transfer

Disposition Date: 8/14/2006

Dispositional Comments:

The mater is TRANSFERRED to the Court of Common Pleas of Clearfield County.

Dispositional Filing:

Author:

Filed Date:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date:

Reargument Disposition:

Date:

Record Remitted:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis,	:	
Petitioner	:	
	:	
v.	:	
	:	
DOC, Mr. George Patrick,	:	
CO Taylor, Lt. Smith, Capt.	:	
Irvin, CO Bahim, Lt. Harris,	:	
J. Everhart, Sgt. Jones,	:	
R. Reed, CO Cadwallader,	:	
Respondents	:	No. 431 M.D. 2006

PER CURIAM

ORDER

NOW, August 14, 2006, upon consideration of petitioner's pro se complaint, in which petitioner seeks money damages from respondents for an alleged violation of petitioner's constitutional rights, and this court lacking 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.

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

Certified from the Record

AUG 15 2006

and Order Ent

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

2006-1172-CD

v

DOC, Mr George Patrick, CO Taylor,
Lt. Smith, Capt. Irwin, CO Brahim,
Lt. Harris, J Everhart, Sgt. Jones
R Reed, CO Cadwallader
(Defendants)

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA

2006 AUG 11 A 9:04

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Office of the Prothonotary:

Kindly allow Trevor Mattis, a pro-se plaintiff, to proceed in forma pauperis. I have attached an affidavitt and an authentic financial monthly statement from the institution's Business Office hereto in support.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

v

DOC, Mr. George Patrick, CO Taylor,
Lt. Smith, Capt Irwin, CO Brahim,
Lt. Harris, J Everhart, Sgt. Jones,
R. Reed, CO Cadwallader
(Defendants)

AFFIDAVIT IN SUPPORT

1) I am the plaintiff in the above action and because of my financial condition I am unable to pay the fees and cost of prosecuting this matter

2) I am unable to obtain funds from anyone, including 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 cost is true and correct:

(a) NAME: Trevor Mattis, BH-3126
ADDRESS: SCI-Houtzdale
P.O Box 1000
Houtzdale PA 16698-1000
SOCIAL SECURITY No : 829-00-1365
EMPLOYMENT: No

(b) If you are presently employed, state

Employer: none
Address: none

Salary or wages per month: \$33:00

Type of work: Block Worker

(c) Other income within the last 12 months

Business or profession: none
Other self employment: none
Interest: none

Dividends: none
Pension and annuities: none
Social Security benefits: none
Disability payments: none
Unemployment compensation and Supplemental benefits: none
Workman's compensation: none
Public Assistance: none
Other: none

(d) Other contribution to household support

Wife's name: N/A
If your wife's employed, state
Employer: N/A
Salary or wages per month: N/A
Type of work: N/A
Contributions from children: N/A
Contributions from parent: N/A
Other contributions: N/A

(e) Property owned

Cash: none
Checking account: none
Certificates of deposit: none
Real Estate(including home): none
Motor vehicle: none
Stocks or Bonds: none

(f) Debts and obligations

Mortgage: none
Rent: none
Loans: none
Other: none

(g) Persons dependent upon for support

Wife's name: none
Children if any: none
Other person: none

(h) I understand that I have a continuing obligation to inform
the court of improvements in my financial circumstances which would
permit me to pay the cost and fees of this matter

VERIFICATION

(5) I verify that the statements made in this affidavit are true and correct I understand that false statements here in are made subject to penalties of perjury under Title 18 Pa 4909.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: June 29, 2006

PAGE 2
C-B-1028

INMATE ACCOUNTS SYSTEM
MONTHLY ACCOUNT STATEMENT

06-14-2006
727 HOU

INMATE NUMBER	NAME LAST	FIRST	MI
BH3126	MATTIS	TREVOR	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-1.83	155.23
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-1.11	154.12
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-.48	153.64
7626	06-09-2006	38 INSIDE PURCHASES		
		VENDACARD 06/09/06	-5.00	148.64
7645	06-12-2006	38 INSIDE PURCHASES		
		VENDACARD 06/12/06	-5.00	143.64
7655	06-13-2006	37 POSTAGE		
		POSTAGE 06/13/06 SCI HOU	-.24	143.40
7655	06-13-2006	37 POSTAGE		
		POSTAGE 06/13/06 SCI HOU	-.24	143.16
8164	06-13-2006	32 HOU COMMISSARY		
		FOR 6/13/2006	-39.92	103.24

NEW BALANCE AS OF THIS STATEMENT -----> 103.24

IN THE COURT OF COMMON PLEAS OF
~~BLAIRFIELD COUNTY~~, PENNSYLVANIA

RECEIVED & FILED
COMMON PLEAS COURT
OF PENNSYLVANIA
2006 AUG 11 A 11:50

2006-1172-G

TREVOR MATTIS,

Plaintiff

CIVIL DIVISION

v

NO 431 MD2006

DOC, George Patrick, CO Taylor,
Lt Smith, Capt. Irwin,
CO Brahim, Lt Harris,
Unit Manager Everhart, R. Reed,
CO Cadwallader, Sgt. Jones
(Defendants)

COMPLAINT FOR: Retaliation, Cruel
and Unusual Punishment, Replevin
Conversion, Discrimination, Viola-
tion of Due Process, Official Op-
pression, Unsworn Falsification

NOTICE TO DEFEND

You have been sued in court. The petition set forth in the following pages requests the court to determine the amount which should be credited against any liability you may have to the petitioner. You must take action within twenty days after this petition and notice is served upon you by entering a written appearance personally or by an attorney and file in writing with the court your defence or objections to the matters set forth in the petition. You are warned if you fail to do so, the case may proceed without you, and a judgement may be entered against you by the court without any further notice for any claim of relief requested by the petitioner. You may lose money or property, or 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.

Office of Chief Counsel
55 Utility Drive, P O Box 598
Camp Hill PA 17001-0598

MARCH 21, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service. [Signature]
Deputy Prothonotary

MAY 18, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service. [Signature]
Deputy Prothonotary

FEB. 14, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service. [Signature]
Deputy Prothonotary

Trevor Mattis BH-3126, pro-se plaintiff alleges:

1 I, Trevor Mattis BH-3126, an inmate incarcerated at State Correctional Institution Houtzdale, P O Box 1000, Houtzdale PA 16698-1000 is the plaintiff in the above mentioned action To my knowledge and upon information and belief, all defendants named in this action are employees of the Department of Corrections and in the things alleged in this complaint were acting under the color of the State in the scope of their employment relationship. This is a civil matter involving the employees of SCI-Houtzdale.

2 Defendant, Commonwealth of Pennsylvania Department of Corrections is an agency and a party of the Commonwealth duly created and existing under the applicable State law and has an office of process and service at 55 Utility Dr P O Box 598, CampHill PA 17001-0598

3 Defendant, DOC was through the period August 2004 to June 2006 were through its subordinates providing custody and care of plaintiff

4 Defendants, Mr George Patrick, Lt Harris, Mr J Everhart, Lt Smith, CO Taylor, CO Brahim, Capt Irwin, R Reed, Sgt Jones, and CO Cadwallader have an office to receive this complaint and notice to defend at 55 Utility P.O Box 598, CampHill PA 17001-0598

5 All named defendants between the period August 2004 to June 2006 acted individually or collectively or in the alternate and may be liable accordingly

6 Plaintiff has been targeted for harassment, intimidation, discrimination, and retaliation by various staff at SCI-Houtzdale

7 On February 21, 2005 plaintiff was summarily taken to the RHU under investigation

8 During this investigation the administration discovered plaintiff

had initiated a civil complaint against staff at SCI-Graterford

9. In retaliation CO Taylor and Lt Smith forced plaintiff to ship or destroy 3 boxes of his legal documents.

10 CO Taylor told plaintiff he won't be filing any more complaints

11 Plaintiff protested vociferously and requested to speak to a Lt

12 Lt Smith came and plaintiff explained that this was an act of retaliation by the administration and his Constitutional rights were being violated

13 Plaintiff explained that this illegal tactic of intimidation was done to him at SCI-Somerset before and he would go to the courts

14 Lt Smith told plaintiff he didn't care about the constitution this is how "we do it at Houtzdale", then went on to comment "you won't be writing any more books around here."

15 Plaintiff requested a confiscation slip and an opportunity to resolve the matter through the grievance process in accordance to DOC policy DC-ADM 804

16 Lt Smith denied his request

17 Plaintiff noticed his manuscript on 'Prison Abuse in Pennsylvania' was not among his property and enquired as to its whereabouts

18 Plaintiff was told to see security

19. Plaintiff was then forced to ship or destroy his legal materials

20 As a direct or proximate result plaintiff lost transcripts, notes, affidavits, and irreplaceable legal research. (See Exh A)

21 As a direct or proximate result plaintiff's access to the courts was severely frustrated and/or hampered.

22 CO Grove who was present when plaintiff desperately tried to stop his legal materials from forcibly being shipped or destroyed came to

plaintiff in confidence and said what CO Taylor and Lt Harris did was wrong

23 CO Grove who heard plaintiff tell Lt Harris he would file a law suit regarding the egregious violations of his rights asked plaintiff not hold him accountable

24 Plaintiff promised not to hold him accountable as long as when the time came he spoke the truth as to what his co-workers did

25 Plaintiff was released from the RHU 2 weeks later and on 3-10-05 filed a grievance about his missing property (See Exh B)

26 On 3-31-05 plaintiff was called to security and some of his missing property was returned but not his manuscript.

27 Plaintiff complained to Capt Irwin or Tice and was asked where is the proof there was a manuscript

28 Plaintiff responded you've the proof the same way you had the proof for all the property being returned now.

29 Plaintiff then asked why he was never given a confiscation slip for all the property security confiscated, some of which plaintiff himself was not even aware was missing, in accordance to DOC policy DC-ADM 154A

30 Capt Irwin ignored plaintiff.

31 On 1-5-06 6:40am plaintiff was called for a random urine test

32 It is a well known fact plaintiff suffers from some type of medical condition that causes him to have problems providing a urine sample on command which must be done in an arbitrary period of 2hrs [Note no medical evidence exists that a person drinking a cup of water will be able to provide a urine sample in 2hrs].

33 Plaintiff had the urge to urinate but he also had the urge to move

his bowels.

34 Plaintiff explained his predicament to CO Brahim and requested to be allowed to sit on the commode while he gave the urine sample in order to avoid an embarrassing situation. CO Brahim denied the request (note plaintiff suspects CO Brahim is involved in the confiscation/theft of his manuscript)

35 Plaintiff pleaded and explained it was physically impossible for him to provide the urinate sample without defecating on himself

36 CO Brahim laughed at plaintiff's predicament and said he wants to see plaintiff shit himself. Either he does that or be taken straight to the RHU

37 Plaintiff made more desperate pleas to CO Brahim. All Plaintiff's pleas were denied and plaintiff forced to defecate on himself in order to provide the required urine sample. CO Brahim then laughed at plaintiff.

38 Plaintiff was then forced to walk back to his block through the general inmate population in an unclean state and smelling foul.

39 Plaintiff was subjected to the jeers and ridicule of the general inmate population.

40 As a direct result plaintiff was embarrassed, degraded, humiliated, and dehumanized. (See Exh C)

41 On or about 5-15-06 at approximately 7:00pm CO Sloan let plaintiff out his cell to go to music class.

42 When plaintiff arrived at Activities he was told by CO Kephart to return to the block because he was 5 minutes early.

43 Lt Harris who has targeted plaintiff for harassment, intimidation, discrimination, and retaliation called CO Sloan and

ordered him to issue a misconduct against plaintiff for being in an unauthorized area

44 Various other inmates arrived immediately after plaintiff and Lt Harris told them to return to the block but did not order that they be issued misconducts Plaintiff was his only target

45 CO Sloan issued a misconduct against plaintiff for being present in an unauthorized area (See Exh D)

46 The Shift Commander deemed this to be a minor infraction and referred the misconduct for an informal hearing (An informal hearing subjects plaintiff to a maximum sanction of 7 days cell restriction and the misconduct automatically expunged from the record)

47 Unit Manager Everhart who has also targeted plaintiff for harassment, intimidation, discrimination, and retaliation was responsible to meet with plaintiff and conduct the informal hearing

48 According to DOC policy DC-ADM 801 this hearing must be held within 7 days or the misconduct is automatically dismissed (See Exh E)

49. Mr Everhart refused to meet with plaintiff as required by DOC policy

50 Instead, on the 8th day, without justification, Mr Everhart referred the misconduct to the more severe forum of a formal hearing This was retaliation and a deliberate attempt to expose plaintiff to a harsher punishment and permanently tarnish plaintiff's institutional record

51 On 5-26-06 plaintiff went to a formal hearing for the misconduct

52 The hearing examiner was Mr R Reed

53 Plaintiff explained that as a matter of law the misconduct must be

dismissed because Mr Everhart violated DC-ADM 801

54 Plaintiff referred Mr Reed to the rule in the DDC inmate handbook which specifically states; for misconducts referred for an informal resolution the Unit Manager must meet with the inmate within 7 days of the misconduct being served

55 Plaintiff explained that Mr Everhart neither met with him nor resolved the misconduct within the 7 day time frame allowed

56 Mr Reed noted the rule and told plaintiff he was going to ignore the clearly stated rules and procedures in order to find him guilty (See Exh. F)

57 Mr Reed then imposed a severe 15 day sanction of Lost of Privileges(LOP) specifically lost of tv, radio, telephone, and yard

58 When plaintiff returned to his cell CO Cadwallader confiscated his tv and radio.

59. CO Cadwallader discriminated against plaintiff because he did not confiscate other inmates tvs and radios when they were given the same sanction of LOP

60 As a matter of fact Mr. Cadwallader told inmates he doesn't confiscate tvs or radios because there is no secure place on the block to hold the appliances

61 This is clear proof he targeted plaintiff for differential treatment.

62 Plaintiff requested that CO Cadwallader inspect his tv and radio to verify that when he received the items they were in perfect working order

63 This request was granted and witnessed by Sgt Ohler

64 On 6-9-06 plaintiff's tv was returned damaged and had to be sent

out for repairs (See Exh G)

65 Plaintiff filed a grievance and requested that Mr Everhart be recused from addressing the grievance because of his personal agenda against plaintiff Plaintiff's request was denied and Mr Everhart allowed to investigate his own civil conspiracy against plaintiff. (See Exh G-2)

66 Mr Everhart suborned his crony Sgt Jones to falsely claim he checked plaintiff's tv and radio when they were returned and they were in perfect working order (See Exh G-2)

67 From 5-26-06 to 6-9-06 plaintiff was denied all recreation and confined to his cell 24hrs per day (See Exh H)

68 Plaintiff attempted to start a chapter of the NAACP in accordance with DC-ADM 822

69 Plaintiff's request/proposal was arbitrarily denied and he was told that such an organization will never be allowed in SCI-Houtzdale (See Exh I)

COUNT ONE

Plaintiff re-alleges and incorporates by reference paragraphs 1-69 as though the same were fully set forth herein at length

Plaintiff avers that the actions or inactions of George Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, Sgt Jones, and CO Cadwallader:

1 Violated plaintiff's First, Fifth, and Fourteenth Amendment rights, 42 U S C A § 1983, Pa Const Art 1, §§ 1, 26, 42 Pa C S A §§ 9791-9799.7, Const Art 1, §26, Art. 9, 18 Pa CSA 4904 & 4911

The above incident is alleged to have taken place between August 2004 and June 2006

FIRST CAUSE OF ACTION
Retaliation

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed and CO Cadwallader committed the tort of retaliation

SECOND CAUSE OF ACTION
Violations of First Amendment Rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: G Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, and CO Cadwallader violated his First Amendment rights

THIRD CAUSE OF ACTION
Discrimination and violation of Equal Protection rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41 through 67 Plaintiff alleges: J Everhart, Lt Harris, CO Cadwallader discriminated against plaintiff and violated his Equal Protection rights

FOURTH CAUSE OF ACTION
Violation of Due Process

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges: CO Taylor, Lt Smith, Capt Irwin, J Everhart, Lt Harris, CO Cadwallader, R Reed violated his right to Due Process

FIFTH CAUSE OF ACTION
Cruel and Unusual Punishment

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges G Patrick, Capt Irwin, CO Brahim and CO Cadwallader subjected him to cruel and unusual

punishment

SIXTH CAUSE OF ACTION
Violation of Copy Right Protections

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim violated his copy rights protection by confiscating his manuscript

SEVENTH CAUSE OF ACTION
Replevin, Conversion

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 30 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim illegally deprived him of his manuscript and committed the torts of conversion and/or replevin

EIGHT CAUSE OF ACTION
Civil Conspiracy

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Lt Harris, Mr Everhart, CO Cadwallader, Sgt Jones, and George Patrick engaged in a civil conspiracy to deny him his constitutional rights

NINTH CAUSE OF ACTION
Obstruction of justice, Unsworn falsification

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 65-66 Plaintiff alleges Mr Everhart and Sgt Jones obstructed justice and made false statements on an official government document

TENTH CAUSE OF ACTION
Official Oppression

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Mr Everhart and Sgt Jones engaged on official oppression

RELIEF REQUESTED

Wherefore plaintiff requests this Honorable Court to:

A Set this case down for a trial by jury

B Plaintiff prays for judgement against the defendants as follows:

On the First Cause of Action

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Second Cause of Action:

- a) For compensatory damages in the sum of \$5,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Third Cause of Action:

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief the Court deems fit

On the Fourth Cause of Action:

- a) For compensatory damages in the sum of \$15,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief as the Court deems fit

On the Fifth Cause of Action:

- a) Compensatory damages in the sum of \$50,000
- b) For emotional damages in the sum of \$100,000
- c) For punitive damages in the sum of \$200,000
- d) For any other relief as the Court deems fit

On the Sixth and Seventh Cause of Action:

- a) For compensatory damages in the sum of \$50,000

- b) For punitive damages in the sum of \$150,000
- c) For any other relief as the Court deems fit

On the Eight, Ninth, and Tenth Cause of Action:

- a) For compensatory damages in the sum of \$2,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

Plaintiff may recover damages pursuant to 42 Pa C S A 8522 of which neither the Department of Corrections nor defendants have a waiver for the lost of financial compensation accrued by the lost, theft, or destruction of plaintiff's original manuscript Wherefore, plaintiff asks that by reason of cause or action and inaction set forth in this complaint relating to the above defendants, the Court consider and kindly render judgement in the plaintiff's favor Plaintiff is entitled to compensation for violation of his First Amendment that supposed to have protected him from retaliation, discrimination, given him access to the Courts, and protected his freedom of expression Plaintiff is entitled to compensation for violation of his Fourteenth Amendment that was supposed to have protected him from the illegal deprivation of his property, Due Process, and the right to be free from cruel and unusual punishment and discrimination

At all times in question and material to this complaint, those defendants in management, supervisory, or administrative positions were acting in the scope of their job relationship under the color of the Commonwealth and/or making decisions as individuals

Respectfully Submitted,

SIGNED: Tawny Martin

Executed on this 29th day of June 2006

Exh. A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112079
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Chenchovich	FACILITY: SCI-Houtzdale	DATE: 3-11-05
FROM: (INMATE NAME & NUMBER) Trevor Mattis BH 3126	SIGNATURE OF INMATE: T Mattis	
WORK ASSIGNMENT: —	HOUSING ASSIGNMENT: JA-16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

On 2-27-05 plaintiff was taken to the KHY. On 3-6-05 my property was inventoried. Plaintiff possessed one footlocker and one record center box of personal property. In addition plaintiff possessed 4 1/2 boxes of legal materials. Plaintiff has 5 active cases presently in the courts and in all cases plaintiff is a pro-se litigant. One such case is a civil action against Eric Smith. Eric Smith told plaintiff he would only be allowed a footlocker, one box of personal property and 2 record center boxes of legal materials. The rest must be removed immediately. Plaintiff protested for his clothing, shoes and soap. Plaintiff for and in the amount allowed by DC-ADM 815 vi (ii)(3) for his personal property, and explained his commissary recently purchased by him to be 215 for a record center box. Plaintiff's brother is to be taken to court, and a subpoena to. And 815 he was allowed 4 record center boxes of personal property.

B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Donna Penabazhan

Signature of Facility Grievance Coordinator

3/31/05
[Signature]

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Exh 8

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

112074
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Chenchavich	FACILITY SCI-Houtdale	DATE: 3-10-05
FROM: (INMATE NAME & NUMBER) FREDERICK MATTHEW SMITH 3125	SIGNATURE OF INMATE: [Signature]	
WORK ASSIGNMENT: —	HOUSING ASSIGNMENT: H-3-07 JA-16	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted. 		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On 2-27-05 I was summarily taken to the RMC. On 3-6-05 my property was inventoried. Missing were my keyboard chords and adapters, a manuscript, 10 essays and short stories, legal materials, 2 photo tickets, 6 ice cream tickets, transcripts, disavowal, and affidavits, photo copy card with \$25.00 and ID holder with important names, addresses and phone numbers.</p> <p>Plaintiff requests an immediate return of all the above. In the event they have been stolen or destroyed plaintiff seeks \$105,000.00 in compensatory damages and \$100,000.00 in punitive damages.</p>		
<p>B. List actions taken and staff you have contacted before submitting this grievance.</p> <p>Spoke to CO Taylor and Lt. Smith, and another CO</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Dorinda Chenchavich

Signature of Facility Grievance Coordinator

3/10/05

Date

Exh. C

DC-804
Part 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

140259
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR D. Chencharick	FACILITY: SCT-Houtzdale	DATE: 1-5-06
FROM: (INMATE NAME & NUMBER) Prison #111-2111	SIGNATURE OF INMATE Terr Mathis	
WORK ASSIGNMENT: Block Worker	HOUSING ASSIGNMENT: CR-22	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. State all relief that you are seeking. Additional paper may be used, maximum two pages. (One DC-804 Part 1 form and one, one-sided 8 1/2" x 11" page).

On 1-5-06 plaintiff was called to R&D 6:40am for a urine test. When plaintiff attempted to provide a sample he became aware of an acute need to have a bowel movement. Plaintiff explained to CO John Doe that he had the urge for a bowel movement and requested to be allowed to sit on the commode while he gave the urine sample to avoid the unsanitary and embarrassing situation of defecating on himself. CO John Doe sneered and told plaintiff he will not be allowed to use the commode for a bowel movement and it's up to plaintiff to find a way to give a urine sample without having a bowel movement. Plaintiff pleaded with CO John Doe that it was humanly impossible to do such a thing. CO John Doe laughed and told plaintiff he doesn't care but he'd better find a way or he'll be going to the hole with shit in his pants. Then added gleefully "that would be an ugly sight." Plaintiff told CO John Doe he was being unreasonable and irrational. Plaintiff then went on to explain that he had this same problem on a previous occasion he was called for a urine and the CO allowed him to use the commode in the holding cell while he supervised to make sure plaintiff provided a urine sample in a proper manner and the sample was obtained without

(CONT)

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke to blk Sgt and Lt Brumbaugh

Plaintiff seeks \$100,000.00 in punitive, compensatory and declaratory damages

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Doreta Chencharick
Signature of Facility Grievance Coordinator

1/6/06
Date

CL 5 Exh. JD

FORM DC-141 PART I COMMONWEALTH OF PENNSYLVANIA 929906

☒ MISCONDUCT REPORT ☐ OTHER DEPARTMENT OF CORRECTIONS

DC Number BH 3126	Name Mottis Trevor	Institution Houtz	Incident Time 24 Hr. Base 1900	Incident Date 5-15-06	Date of Report 5-15-06
Quarters CB 28	Place of Incident Activities				

OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)

DC Number	Name	I	W	DC Number	Name	I	W
Staff	LT. Harris	X					

MISCONDUCT CHARGE OR OTHER ACTION Class I #43 Presence in an unauthorized area

STAFF MEMBER'S VERSION On the above date and time I called Yard out. Inmate Mottis (BH 3126) left the housing unit for Yard. At 1900 hrs LT. Harris called from Activities and informed me that inmate Mottis was in activities without a Pass or Permission. Inmate Mottis was a part of the Yardline movement and instead went to activities.

IMMEDIATE ACTION TAKEN AND REASON Refer to the Unit Management Team for an informal resolution. Inmate was given a photo copy of this report by: D

PRE-HEARING CONFINEMENT

<input checked="" type="checkbox"/> YES	TIME	DATE	T. Havens 5-15-06 2142 5-23-06 - Referred by the Unit Management Team for a formal Hearing. Capt. M. Miller
<input checked="" type="checkbox"/> NO			

FORMS GIVEN TO INMATE

REPORTING STAFF MEMBER SIGNATURE AND TITLE J. Sloan Col	ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY Capt. M. Miller	DATE AND TIME INMATE GIVEN COPY 5/23/06 1906
--	---	---

YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE 5-25-06 TIME 0800

Misconduct Category
☒ CLASS 1 ☐ CLASS 2

Signature of Person Serving Notice
J. Sloan

NOTICE TO INMATE

You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.

Misconduct Procedures

1. Misconduct written by staff member.
2. Misconduct is given to the inmate on the day it is written.
3. **DC-141 Part II (A), "Inmate Request for Representation and Witnesses"** to be submitted by 9:00 a.m. the day after the misconduct is served.
4. **DC-141 Part II (C), "Hearing Supplement, Inmate Version, and Witness Statement"** to be submitted by 9:00 a.m. the day after the misconduct is served.

Informal Resolution Meeting

1. Meeting is held within seven days of the misconduct being served.
2. Meeting is conducted by the Unit Manager/designee and at least one other Unit Management Team Member.
3. Assistance or witnesses are not permitted.

Informal Sanctions

1. no action;
2. reprimand and/or warning;
3. refer to Hearing Examiner for a formal misconduct hearing;
4. up to seven days cell restriction;
5. up to seven days loss of specific privileges (e.g., telephone, yard, day room, etc.);
6. one week loss of commissary; and/or
7. assignment of additional work duties for which you will not be paid; and/or payment for damaged/destroyed state property, with which you agree to pay. If you do not agree, the matter will be forwarded for a formal hearing.

Formal Hearing

1. Hearing will be scheduled no less than 24 hours or no more than seven working days, excluding weekends and State holidays, after notice of the misconduct is served.
2. Conducted by a Hearing Examiner.
3. Assistance or witnesses permitted as approved by the Hearing Examiner.

Misconduct Sanctions

If you are found not guilty, this will be recorded in writing and you will be given a copy. No reason is required for a not guilty decision. Any record of the misconduct will be removed from your record and kept in a separate file until you are released or transferred. If you are found guilty the sanction indicated below may be imposed:

1. placement in the RHU for a period not to exceed 90 days per misconduct charge;
2. cell restriction for a period not to exceed 30 days per misconduct charge. Cell restriction is total confinement to general population cell, dorm area or cubicle, except for meals, showers, one formal religious service per week, commissary, law library and one 1-hour specified daily exercise period. Participation in programs, school, work is suspended;
3. loss of privileges for a prescribed period. Privileges lost must be specifically identified and shall, where possible, be related to the misconduct violation. Privileges include television, radio, telephone, and commissary for up to 180 days, visiting suspension or restriction for up to 60 days, yard and blackout;
4. loss of job assignment (this is mandatory for a guilty finding of misconduct charges #1 - #34);
5. assessment of costs as a result of the your behavior;
6. reprimand, warning, counseling;
7. final disposition of confiscated contraband;
8. revocation of pre-release status and/or outside program codes; and/or
9. limitation of commissary privileges to ten dollars (\$10.00) a week for up to one year following a finding of guilt for a misconduct involving gambling.

Exh. F

DC-141 Part 2B

COMMONWEALTH OF PENNSYLVANIA

Rev. 6-84

DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING REPORT

DC Number	Name	Facility	Hearing Date	Hearing Time	No. from Part 1
BH-3126	MATTIS, Trevor	SCI-HOU	5-26-06	0930	929906
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	

HEARING ACTION

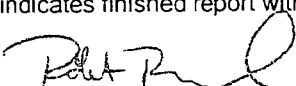
CHARGES 43 = Presence in an unauthorized area

FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED

INMATE MATTIS PLEADS NOT GUILTY. Provides a written version. Inmate Mathis ~~was~~ WAS ON A CALL OUT TO GO TO MUSIC CLASS IN ACTIVITIES. However, Inmate Mattis did NOT INFORM THE Corrections OFFICER WHERE HE WAS GOING. MEX believes the Staff members written Report over the denial of Inmate Mattis, that Inmate Mattis DID NOT INFORM THE Co where he was going, to which placed him in AN UNAUTHORIZED AREA. Inmate Mattis was reevaluated for informal resolution on 5-23-06, THE 6TH WORKING DAY AFTER MISCONDUCT WAS WRITTEN.

Guilty: #43 - 15 days loss of privileges effective 5-26-06

NO TV, TELEPHONE, RADIO, YARD, BLOCKOUT OR ACTIVITIES.

<input checked="" type="checkbox"/> YES <input type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	<p>The inmate has heard the decision and has been told the reason for it and what will happen.</p> <p>The circumstances of the charge have been read and fully explained to the inmate.</p> <p>The opportunity to have the inmate's version reported as part of the record was given.</p> <p>The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.</p>	<p>Informal</p> <p>Written version</p> <p>SEE APPENDICES</p> <p>Witness Request</p>
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) R. Reed, Hearing Examiner		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.  SIGNATURE OF HEARING EXAMINER/COORDINATOR	

WHITE - DC-15

YELLOW - Inmate Cited

PINK - Staff Member Reporting Misconduct

GOLDENROD - Deputy Superintendent

Exh. G

DC-804

Part 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

155079
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Doretta Chencharick	FACILITY SCI-Montzdale	DATE: 6-13-06
FROM: (INMATE NAME & NUMBER) Trevor Mattie BN-3126	SIGNATURE OF INMATE <i>Trevor Mattie</i>	
WORK ASSIGNMENT: Blk Worker	HOUSING ASSIGNMENT: CB-2A	
INSTRUCTIONS		
<p>1. Refer to the DC-ADM 304 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p> <p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.</p> <p>On 5-26-06 I was sanctioned 15 days LOP (tv, radio, telephone, yard) by hearing examiner R. Reed. As soon as I got back to the block from the hearing CD Cadwellader came and confiscated my radio and tv. I requested that my tv and radio be checked and verified they were handed over in perfect working order. My request was granted it was checked by CD Cadwellader and witnessed by Sgt. Ohler. On 6-9-06 my radio and tv was returned by Sgt. Jones and it no longer functioned properly. I will have to send it out to be repaired. Plaintiff has been targeted for harassment, intimidation, and discrimination by various white supremacist staff at SCI-Montzdale and this is very suspicious. Plaintiff has been informed who had LOP (tv & radio) and Plaintiff has been informed by other inmates who had LOP (tv & radio) that their tv & radio were not taken. The same staff told them they don't do that on C-Block. If this is true this is further incontrovertible proof of violations of plaintiff's First Amendment rights of Equal Protection.</p> <p>Plaintiff requests reimbursement for shipping and repair costs and a loaner tv for the time his tv will be out the institution.</p> <p>Plaintiff requests that this grievance not be resolved by Unit Manager Everhart.</p> <p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p>Spoke to Block CD, Sgt. Jones</p>		

Your grievance has been received and will be processed in accordance with DC-ADM-804.

Doretta Chencharick
Signature of Facility Grievance Coordinator

6/14/06
Date

DC-ADM 804, Inmate Grievance System

Attachment B

DC-804
Part 2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

155079

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Trevor Mattis, BH3126	SCI-Houtzdale	CB-28	06/13/06

The following is a summary of my findings regarding your grievance

Inmate Mattis has filed this grievance regarding his radio and television. He writes that on 5/26/06, he was sanctioned 15 days loss of privileges (TV, radio, telephone, yard) by the Hearing Examiner. As soon as he returned to the block from the hearing, CO Cadwallader confiscated his television and radio in perfect working order. On 6/9/06, COII Jones returned his property to him, and it no longer functioned properly. Mattis contends that he has been "targeted for harassment, intimidation and discrimination by various white supremacist staff at SCI-Houtzdale." He claims that other inmates on C Block who received LOP did not have their television or radio taken. Mattis is requesting reimbursement for shipping, repair costs and a "loaner" tv for the time his will be out of the institution. He also requests Unit Manager Everhart not resolve this grievance.

I interviewed CO Cadwallader and COII Jones regarding this grievance. CO Cadwallader reports that he did check the TV and radio when Mattis turned them in, and they were in working order. COII Jones reports that he checked the TV and radio when they were returned to Mattis, and they were in working order. Therefore, any problem with either item would have occurred after they were in Mattis' possession.

Mattis' sanction from the Hearing Examiner was loss of privileges. The privileges specified were yard, television, radio, telephone and activities. In sanctions such as this, the inmate would be required to turn in the television and radio for the duration of the restriction. If Mattis is aware of other inmates receiving loss of privileges but not needing to turn in their property, it is most likely that the privileges restricted didn't include radio or television.

With regard to Mattis requesting Mr. Everhart not resolve this grievance, the Grievance Coordinator makes these assignments as appropriate. Mattis cannot specify who handles his grievances.

Mattis' situation has been handled fairly and properly. His television and radio were in working order when turned in and when returned. Nobody is targeting him for anything. He is cautioned about making false statements about staff. He will not be reimbursed and is not entitled to a "loaner" television.

This grievance is denied.

C: Superintendent
Superintendent's Assistant
Deputies
Majors
DC-15
File

Print Name and Title of Grievance Officer

Jerry Everhart, Unit Manager

SIGNATURE OF GRIEVANCE OFFICER

DATE

06/23/06

Exh H

DC-804
Part 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
155080
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <u>D. Chencharick</u>	FACILITY: <u>SCI-Houtzdale</u>	DATE: <u>6-13-06</u>
FROM: (INMATE NAME & NUMBER) <u>Trevor Mathis BH 3126</u>	SIGNATURE of INMATE: <u>T Mathis</u>	
WORK ASSIGNMENT: <u>Bill. Worker</u>	HOUSING ASSIGNMENT: <u>CB-28</u>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). **State all relief that you are seeking.**

Plaintiff was denied all yard from 5-26-06 to 6-9-06 as part of an LOP sanction. If cell restriction gets the yard then plaintiff should've been allowed the yard at least. This is a violation of the Fourteenth Amendment.

Plaintiff requests Unit Manager Evershart not resolve this grievance

Plaintiff seeks emotional and punitive damages.


B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke to Cadaverbender

Your grievance has been received and will be processed in accordance with DC-ADM 804.



Signature of Facility Grievance Coordinator



Date

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

102011
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Chenchavik	FACILITY: SCI-Holtzclaw	DATE: 1-26-05
FROM: (INMATE NAME & NUMBER) TREW R NATTIS 0113126	SIGNATURE OF INMATE: T. Nattis	
WORK ASSIGNMENT School	HOUSING ASSIGNMENT: JA-16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

I submitted a proposal to this administration for the formation of a chapter of the NAACP in this institution. It's been over 4 weeks and I have heard no response to my request. The NAACP is the most prominent African American organization in this country. Many other institutions have a chapter. There is no penological interest why a chapter of the NAACP cannot be allowed at SCI-Holtzclaw. This would be discrimination and denial of equal opportunity.

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke to Deputy I. Thomas.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Robert Chenchavik

Signature of Facility Grievance Coordinator

1/26/05

Date

FILED

SEP 15 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis, :
Petitioner : 2006-1172-CD
v. :
DOC, Mr. George Patrick, :
CO Taylor, Lt. Smith, Capt. :
Irvin, CO Bahim, Lt. Harris, :
J. Everhart, Sgt. Jones, :
R. Reed, CO Cadwallader, :
Respondents : No. 431 M.D. 2006

PER CURIAM

O R D E R

NOW, August 14, 2006, upon consideration of petitioner's pro se complaint, in which petitioner seeks money damages from respondents for an alleged violation of petitioner's constitutional rights, and this court lacking 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.

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

Certified from the Record

AUG 15 2006

and Order Exit

FILED
AUG 31 2006
m/2:15/a
William A. Shaw
Prothonotary/Clerk of Courts

#5

William A. Shaw
Prothonotary/Clerk of Courts

AUG 31 2006

FILED



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

August 29, 2006

William A. Shaw, Prothonotary
Clearfield County Court of Common Pleas
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: *Trevor Mattis v. Department of Corrections, George Patrick, et al.*
Commonwealth Court Docket No. 431 M.D. 2006

Dear Mr. Shaw:

By Order dated August 14, 2006, the Commonwealth Court transferred the above-referenced matter to the Clearfield County Court of Common Pleas. A copy of the Order is attached. This office represents the Defendants in this action.

The purpose of this letter is to inquire as to status of the case. Specifically, has this matter been assigned a docket number? If so, I would appreciate receiving that information, as well as copies of any documents filed by the Plaintiff.

Thank you for your attention to this matter. Should you have any questions or comments, please feel free to contact this office and ask to speak with me or my secretary, Corinne.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert B. MacIntyre".

Robert B. MacIntyre
Assistant Counsel

RBM/cnd
Attachment
cc: File

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,
Plaintiff

v

DOC, Mr George Patrick, CO Taylor,
Lt Smith, Capt. Irwin, CO Brahim,
Lt Harris, J Everhart, Sgt Jones
R Reed, CO Cadwallader
(Defendants)

CIVIL ACTION: 06-1172-CD

FILED
m 19:00/21
AUG 28 2006
William A. Shaw
Prothonotary/Clerk of Courts
CP

MOTION FOR GOOD CAUSE AND PERMISSION TO PROCEED

Now comes Plaintiff Trevor Mattis, respectfully requesting that this honorable Court grant him good cause and allow him to proceed with civil action #06-1172-CD

On 8-24-06 plaintiff received notification from the clerk of court that his civil complaint was stricken from the court docket as of 8-22-06, and in order to proceed he must receive good cause from the Court

Plaintiff requests good cause for the following reasons:

1) Plaintiff is pro-se and unfamiliar with these State court proceedings.

2) In 8-1-06 plaintiff received an order denying him In Forma Pauperis In this order the Court stated "it does not have appropriate jurisdiction" therefore the request to proceed In Forma Pauperis is denied.

3) Since the Court stated it did not have jurisdiction plaintiff neither appealed the order nor payed the filing fee. Instead upon the advice of law library clerks on 8-3-06 plaintiff refiled his civil complaint to the Commonwealth Court of Pennsylvania.

4) On 8-21-06 plaintiff recieved per curiam order No 431 MD 2006

from the Commonwealth Court transferring his civil complaint to this Court thereby giving it jurisdiction in this matter.

5) Based on the order of the Commonwealth Court plaintiff believes his In Forma Pauperis was granted therefore he should be allowed to proceed with his civil complaint.

6) The reason this Court denied plaintiff's In Forma Pauperis is now moot since it now has jurisdiction in this matter therefore In Forma Pauperis should be granted

7) Notwithstanding plaintiff has sent the requested filing fee to the clerk of court pending the resolution of the confusion surrounding his In Forma Pauperis status.

For any or all the above reasons plaintiff requests that this Court grant him good cause and allow him to proceed in this civil complaint

Respectfully submitted,

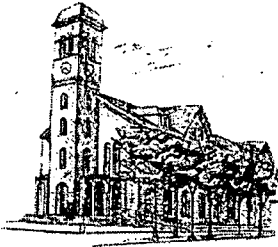
Trevor Mattis
Trevor Mattis pro-se

DATE: August 24, 2006

FILED

AUG 28 2006

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

COPY

August 22, 2006

Trevor Mattis

Vs.

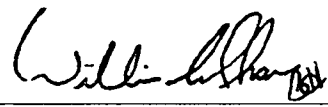
Doc, Mr. George Patrick, CO Taylor, Lt. Smith,
Capt. Irwin, CO Brahim, Lt. Harris, J. Everhart,
Sgt. Jones, R. Reed, CO Cadwallader
06-1172-CD

Dear Mr. Mattis:

Please be advised that the action you filed to the above term and number has been stricken effective August 22, 2006. You may not proceed with this action without good cause from the court.

FILED
07:04/01
AUG 22 2006

William A. Shaw
Prothonotary/Clerk of Courts


William A. Shaw, Prothonotary

FILED

AUG 22 2006

William A. Shaw
Prothonotary/Clerk of Courts



CA

S, *

NO. 06-1172-CD

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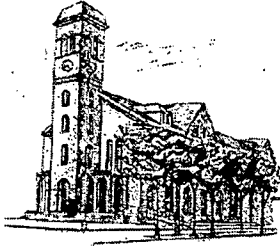
ORDER

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

William A. Shaw
Prothonotary/Clerk of Courts

②



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



July 27, 2006

Trevor Mattis
BH 3126
SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698

RE: Civil Complaint

Dear Mr. Mattis:

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

CM

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

2006-1172-CD

v

DOC, Mr George Patrick, CO Taylor,
Lt. Smith, Capt. Irwin, CO Brahim,
Lt. Harris, J Everhart, Sgt Jones
R Reed, CO Cadwallader
(Defendants)

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Office of the Prothonotary:

Kindly allow Trevor Mattis, a pro-se plaintiff, to proceed in forma pauperis. I have attached an affidavitt and an authentic financial monthly statement from the institution's Business Office hereto in support.

FILED

JUL 21 2006

m/4:00/w

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

v

DOC, Mr George Patrick, CO Taylor,
Lt. Smith, Capt Irwin, CO Braham,
Lt. Harris, J Everhart, Sgt. Jones,
R. Reed, CO Cadwallader
(Defendants)

AFFIDAVIT IN SUPPORT

- 1) I am the plaintiff in the above action and because of my financial condition I am unable to pay the fees and cost of prosecuting this matter
- 2) I am unable to obtain funds from anyone, including 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 cost is true and correct:

(a) NAME: Trevor Mattis, BH-3126
ADDRESS: SCI-Houtzdale
P O Box 1000
Houtzdale PA 16698-1000
SOCIAL SECURITY No : 829-00-1365
EMPLOYMENT: No

(b) If you are presently employed, state

Employer: none
Address: none

Salary or wages per month: \$33:00

Type of work: Block Worker

(c) Other income within the last 12 months

Business or profession: none
Other self employment: none
Interest: none

Dividends: none
Pension and annuities: none
Social Security benefits: none
Disability payments: none
Unemployment compensation and Supplemental benefits: none
Workman's compensation: none
Public Assistance: none
Other: none

(d) Other contribution to household support

Wife's name: N/A
If your wife's employed, state
Employer: N/A
Salary or wages per month: N/A
Type of work: N/A
Contributions from children: N/A
Contributions from parent: N/A
Other contributions: N/A

(e) Property owned

Cash: none
Checking account: none
Certificates of deposit: none
Real Estate(including home): none
Motor vehicle: none
Stocks or Bonds: none

(f) Debts and obligations

Mortgage: none
Rent: none
Loans: none
Other: none

(g) Persons dependent upon for support

Wife's name: none
Children if any: none
Other person: none

(h) I understand that I have a continuing obligation to inform the court of improvements in my financial circumstances which would permit me to pay the cost and fees of this matter

VERIFICATION

(5) I verify that the statements made in this affidavit are true and correct I understand that false statements here in are made subject to penalties of perjury under Title 18 Pa 4909.

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

DATE: June 29, 2006

PAGE 2
C-B-1028,

INMATE ACCOUNTS SYSTEM
MONTHLY ACCOUNT STATEMENT

06-14-2006
727 HOU

INMATE NUMBER	NAME LAST	FIRST	MI
BH3126	MATTIS	TREVOR	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-1.83	155.23
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-1.11	154.12
7621	06-09-2006	37 POSTAGE		
		POSTAGE 06/09/06 SCI HOU	-.48	153.64
7626	06-09-2006	38 INSIDE PURCHASES		
		VENDACARD 06/09/06	-5.00	148.64
7645	06-12-2006	38 INSIDE PURCHASES		
		VENDACARD 06/12/06	-5.00	143.64
7655	06-13-2006	37 POSTAGE		
		POSTAGE 06/13/06 SCI HOU	-.24	143.40
7655	06-13-2006	37 POSTAGE		
		POSTAGE 06/13/06 SCI HOU	-.24	143.16
8164	06-13-2006	32 HOU COMMISSARY		
		FOR 6/13/2006	-39.92	103.24

NEW BALANCE AS OF THIS STATEMENT -----> 103.24

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

TREVOR MATTIS,

Plaintiff

CIVIL DIVISION

v

NO _____

DOC, George Patrick, CO Taylor,
Lt Smith, Capt. Irwin,
CO Brahim, Lt Harris,
Unit Manager Everhart, R. Reed,
CO Cadwallader, Sgt. Jones
(Defendants)

COMPLAINT FOR: Retaliation, Cruel
and Unusual Punishment, Replevin
Conversion, Discrimination, Viola-
tion of Due Process, Official Op-
pression, Unsworn Falsification

NOTICE TO DEFEND

You have been sued in court. The petition set forth in the following pages requests the court to determine the amount which should be credited against any liability you may have to the petitioner. You must take action within twenty days after this petition and notice is served upon you by entering a written appearance personally or by an attorney and file in writing with the court your defence or objections to the matters set forth in the petition. You are warned if you fail to do so, the case may proceed without you, and a judgement may be entered against you by the court without any further notice for any claim of relief requested by the petitioner. You may lose money or property, or 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.

Office of Chief Counsel
55 Utility Drive, P O Box 598
Camp Hill PA 17001-0598

Trevor Mattis BH-3126, pro-se plaintiff alleges:

- 1 I, Trevor Mattis BH-3126, an inmate incarcerated at State Correctional Institution Houtzdale, P O Box 1000, Houtzdale PA 16698-1000 is the plaintiff in the above mentioned action To my knowledge and upon information and belief, all defendants named in this action are employees of the Department of Corrections and in the things alleged in this complaint were acting under the color of the State in the scope of their employment relationship. This is a civil matter involving the employees of SCI-Houtzdale.
- 2 Defendant, Commonwealth of Pennsylvania Department of Corrections is an agency and a party of the Commonwealth duly created and existing under the applicable State law and has an office of process and service at 55 Utility Dr P O Box 598, CampHill PA 17001-0598
- 3 Defendant, DOC was through the period August 2004 to June 2006 were through its subordinates providing custody and care of plaintiff
- 4 Defendants, Mr George Patrick, Lt Harris, Mr J Everhart, Lt Smith, CO Taylor, CO Brahim, Capt Irwin, R Reed, Sgt Jones, and CO Cadwallader have an office to receive this complaint and notice to defend at 55 Utility P.O Box 598, CampHill PA 17001-0598
- 5 All named defendants between the period August 2004 to June 2006 acted individually or collectively or in the alternate and may be liable accordingly
- 6 Plaintiff has been targeted for harassment, intimidation, discrimination, and retaliation by various staff at SCI-Houtzdale
- 7 On February 21, 2005 plaintiff was summarily taken to the RHU under investigation
- 8 During this investigation the administration discovered plaintiff

had initiated a civil complaint against staff at SCI-Graterford

9. In retaliation CO Taylor and Lt. Smith forced plaintiff to ship or destroy 3 boxes of his legal documents.

10 CO Taylor told plaintiff he won't be filing any more complaints

11 Plaintiff protested vociferously and requested to speak to a Lt

12 Lt Smith came and plaintiff explained that this was an act of retaliation by the administration and his Constitutional rights were being violated

13 Plaintiff explained that this illegal tactic of intimidation was done to him at SCI-Somerset before and he would go to the courts.

14 Lt Smith told plaintiff he didn't care about the constitution this is how "we do it at Houtzdale", then went on to comment "you won't be writing any more books around here."

15 Plaintiff requested a confiscation slip and an opportunity to resolve the matter through the grievance process in accordance to DOC policy DC-ADM 804

16 Lt Smith denied his request

17 Plaintiff noticed his manuscript on 'Prison Abuse in Pennsylvania' was not among his property and enquired as to its whereabouts

18 Plaintiff was told to see security

19. Plaintiff was then forced to ship or destroy his legal materials

20 As a direct or proximate result plaintiff lost transcripts, notes, affidavits, and irreplaceable legal research. (See Exh A)

21 As a direct or proximate result plaintiff's access to the courts was severely frustrated and/or hampered.

22 CO Grove who was present when plaintiff desperately tried to stop his legal materials from forcibly being shipped or destroyed came to

plaintiff in confidence and said what CO Taylor and Lt Harris did was wrong

23 CO Grove who heard plaintiff tell Lt Harris he would file a law suit regarding the egregious violations of his rights asked plaintiff not hold him accountable

24 Plaintiff promised not to hold him accountable as long as when the time came he spoke the truth as to what his co-workers did

25 Plaintiff was released from the RHU 2 weeks later and on 3-10-05 filed a grievance about his missing property (See Exh B)

26 On 3-31-05 plaintiff was called to security and some of his missing property was returned but not his manuscript.

27 Plaintiff complained to Capt Irwin or Tice and was asked where is the proof there was a manuscript

28 Plaintiff responded you've the proof the same way you had the proof for all the property being returned now.

29 Plaintiff then asked why he was never given a confiscation slip for all the property security confiscated, some of which plaintiff himself was not even aware was missing, in accordance to DDC policy DC-ADM 154A

30 Capt Irwin ignored plaintiff.

31 On 1-5-06 6:40am plaintiff was called for a random urine test

32 It is a well known fact plaintiff suffers from some type of medical condition that causes him to have problems providing a urine sample on command which must be done in an arbitrary period of 2hrs [Note no medical evidence exists that a person drinking a cup of water will be able to provide a urine sample in 2hrs].

33 Plaintiff had the urge to urinate but he also had the urge to move

his bowels.

34 Plaintiff explained his predicament to CO Brahim and requested to be allowed to sit on the commode while he gave the urine sample in order to avoid an embarrassing situation. CO Brahim denied the request (note plaintiff suspects CO Brahim is involved in the confiscation/theft of his manuscript)

35 Plaintiff pleaded and explained it was physically impossible for him to provide the urinate sample without defecating on himself

36 CO Brahim laughed at plaintiff's predicament and said he wants to see plaintiff shit himself. Either he does that or be taken straight to the RHU

37 Plaintiff made more desperate pleas to CO Brahim. All Plaintiff's pleas were denied and plaintiff forced to defecate on himself in order to provide the required urine sample. CO Brahim then laughed at plaintiff

38 Plaintiff was then forced to walk back to his block through the general inmate population in an unclean state and smelling foul

39 Plaintiff was subjected to the jeers and ridicule of the general inmate population

40 As a direct result plaintiff was embarrassed, degraded, humiliated, and dehumanized. (See Exh C)

41 On or about 5-15-06 at approximately 7:00pm CO Sloan let plaintiff out his cell to go to music class

42 When plaintiff arrived at Activities he was told by CO Kephart to return to the block because he was 5 minutes early

43 Lt Harris who has targeted plaintiff for harassment, intimidation, discrimination, and retaliation called CO Sloan and

ordered him to issue a misconduct against plaintiff for being in an unauthorized area

44 Various other inmates arrived immediately after plaintiff and Lt Harris told them to return to the block but did not order that they be issued misconducts Plaintiff was his only target

45 CO Sloan issued a misconduct against plaintiff for being present in an unauthorized area (See Exh D)

46 The Shift Commander deemed this to be a minor infraction and referred the misconduct for an informal hearing (An informal hearing subjects plaintiff to a maximum sanction of 7 days cell restriction and the misconduct automatically expunged from the record)

47 Unit Manager Everhart who has also targeted plaintiff for harassment, intimidation, discrimination, and retaliation was responsible to meet with plaintiff and conduct the informal hearing

48 According to DOC policy DC-ADM 801 this hearing must be held within 7 days or the misconduct is automatically dismissed (See Exh E)

49. Mr Everhart refused to meet with plaintiff as required by DOC policy

50 Instead, on the 8th day, without justification, Mr Everhart referred the misconduct to the more severe forum of a formal hearing This was retaliation and a deliberate attempt to expose plaintiff to a harsher punishment and permanently tarnish plaintiff's institutional record

51 On 5-26-06 plaintiff went to a formal hearing for the misconduct

52 The hearing examiner was Mr R Reed

53 Plaintiff explained that as a matter of law the misconduct must be

dismissed because Mr Everhart violated DC-ADM 801

54 Plaintiff referred Mr Reed to the rule in the DOC inmate handbook which specifically states; for misconducts referred for an informal resolution the Unit Manager must meet with the inmate within 7 days of the misconduct being served

55 Plaintiff explained that Mr Everhart neither met with him nor resolved the misconduct within the 7 day time frame allowed

56 Mr Reed noted the rule and told plaintiff he was going to ignore the clearly stated rules and procedures in order to find him guilty (See Exh F)

57 Mr Reed then imposed a severe 15 day sanction of Lost of Privileges(LOP) specifically lost of tv, radio, telephone, and yard

58 When plaintiff returned to his cell CO Cadwallader confiscated his tv and radio

59. CO Cadwallader discriminated against plaintiff because he did not confiscate other inmates tvs and radios when they were given the same sanction of LOP

60 As a matter of fact Mr Cadwallader told inmates he doesn't confiscate tvs or radios because there is no secure place on the block to hold the appliances

61 This is clear proof he targeted plaintiff for differential treatment

62 Plaintiff requested that CO Cadwallader inspect his tv and radio to verify that when he received the items they were in perfect working order

63 This request was granted and witnessed by Sgt Ohler

64 On 6-9-06 plaintiff's tv was returned damaged and had to be sent

out for repairs (See Exh G)

65 Plaintiff filed a grievance and requested that Mr Everhart be recused from addressing the grievance because of his personal agenda against plaintiff Plaintiff's request was denied and Mr Everhart allowed to investigate his own civil conspiracy against plaintiff. (See Exh G-2)

66 Mr Everhart suborned his crony Sgt Jones to falsely claim he checked plaintiff's tv and radio when they were returned and they were in perfect working order (See Exh G-2)

67 From 5-26-06 to 6-9-06 plaintiff was denied all recreation and confined to his cell 24hrs per day (See Exh H)

68 Plaintiff attempted to start a chapter of the NAACP in accordance with DC-ADM 822

69 Plaintiff's request/proposal was arbitrarily denied and he was told that such an organization will never be allowed in SCI-Houtzdale (See Exh I)

COUNT ONE

Plaintiff re-alleges and incorporates by reference paragraphs 1-69 as though the same were fully set forth herein at length

Plaintiff avers that the actions or inactions of George Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, Sgt Jones, and CO Cadwallader:

1 Violated plaintiff's First, Fifth, and Fourteenth Amendment rights, 42 U S C A § 1983, Pa Const Art 1, §§ 1, 26, 42 Pa C S A §§ 9791-9799.7, Const Art 1, §26, Art 9, 18 Pa CSA 4904 & 4911

The above incident is alleged to have taken place between August 2004 and June 2006

FIRST CAUSE OF ACTION
Retaliation

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed and CO Cadwallader committed the tort of retaliation

SECOND CAUSE OF ACTION
Violations of First Amendment Rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges defendants: G Patrick, CO Taylor, Lt Smith, Capt Irwin, CO Brahim, Lt Harris, J Everhart, R Reed, and CO Cadwallader violated his First Amendment rights

THIRD CAUSE OF ACTION
Discrimination and violation of Equal Protection rights

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41 through 67 Plaintiff alleges: J Everhart, Lt Harris, CO Cadwallader discriminated against plaintiff and violated his Equal Protection rights

FOURTH CAUSE OF ACTION
Violation of Due Process

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges: CO Taylor, Lt Smith, Capt Irwin, J Everhart, Lt Harris, CO Cadwallader, R Reed violated his right to Due Process

FIFTH CAUSE OF ACTION
Cruel and Unusual Punishment

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges G Patrick, Capt Irwin, CO Brahim and CO Cadwallader subjected him to cruel and unusual

punishment

SIXTH CAUSE OF ACTION
Violation of Copy Right Protections

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 67 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim violated his copy rights protection by confiscating his manuscript

SEVENTH CAUSE OF ACTION
Replevin, Conversion

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 30 Plaintiff alleges CO Taylor, Lt Smith, Capt Irwin, CO Brahim illegally deprived him of his manuscript and committed the torts of conversion and/or replevin

EIGHT CAUSE OF ACTION
Civil Conspiracy

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Lt Harris, Mr Everhart, CO Cadwallader, Sgt Jones, and George Patrick engaged in a civil conspiracy to deny him his constitutional rights

NINTH CAUSE OF ACTION
Obstruction of justice, Unsworn falsification

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 65-66 Plaintiff alleges Mr Everhart and Sgt Jones obstructed justice and made false statements on an official government document

TENTH CAUSE OF ACTION
Official Oppression

Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 41-66 Plaintiff alleges Mr Everhart and Sgt Jones engaged on official oppression

RELIEF REQUESTED

Wherefore plaintiff requests this Honorable Court to:

A Set this case down for a trial by jury

B Plaintiff prays for judgement against the defendants as follows:

On the First Cause of Action

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Second Cause of Action:

- a) For compensatory damages in the sum of \$5,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

On the Third Cause of Action:

- a) For compensatory damages in the sum of \$10,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief the Court deems fit

On the Fourth Cause of Action:

- a) For compensatory damages in the sum of \$15,000
- b) For punitive damages in the sum of \$200,000
- c) For any other relief as the Court deems fit

On the Fifth Cause of Action:

- a) Compensatory damages in the sum of \$50,000
- b) For emotional damages in the sum of \$100,000
- c) For punitive damages in the sum of \$200,000
- d) For any other relief as the Court deems fit

On the Sixth and Seventh Cause of Action:

- a) For compensatory damages in the sum of \$50,000

- b) For punitive damages in the sum of \$150,000
- c) For any other relief as the Court deems fit

On the Eight, Ninth, and Tenth Cause of Action:

- a) For compensatory damages in the sum of \$2,000
- b) For punitive damages in the sum of \$100,000
- c) For any other relief as the Court deems fit

Plaintiff may recover damages pursuant to 42 Pa C S A 8522 of which neither the Department of Corrections nor defendants have a waiver for the lost of financial compensation accrued by the lost, theft, or destruction of plaintiff's original manuscript Wherefore, plaintiff asks that by reason of cause or action and inaction set forth in this complaint relating to the above defendants, the Court consider and kindly render judgement in the plaintiff's favor Plaintiff is entitled to compensation for violation of his First Amendment that supposed to have protected him from retaliation, discrimination, given him access to the Courts, and protected his freedom of expression Plaintiff is entitled to compensation for violation of his Fourteenth Amendment that was supposed to have protected him from the illegal deprivation of his property, Due Process, and the right to be free from cruel and unusual punishment and discrimination

At all times in question and material to this complaint, those defendants in management, supervisory, or administrative positions were acting in the scope of their job relationship under the color of the Commonwealth and/or making decisions as individuals

Respectfully Submitted,

SIGNED: Trevar Mott

Executed on this 29th day of June 2006

OFFICIAL INMATE GRIEVANCE

DATE:

3-11-09

SIGNATURE of INMATE:

Thyristor

HOUSING ASSIGNMENT:

5A-16

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

[illegible]

B. List actions taken and staff you have contacted, before submitting this grievance.

You'r grievance has been received and will be processed in accordance with DC-ADM 804.

Water level gauge

Signature of Facility Grievance Coordinator

2010
2011

Date _____

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Chen	FACILITY: Sci-Hub/State	DATE: 3-10-05
FROM: (INMATE NAME & NUMBER) TUCKER, MATTHEW - BH 3125	SIGNATURE of INMATE: [Signature]	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: #207 1A-16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in **Block A** in a brief and understandable manner.
3. List in **Block B** any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

[illegible]

B. List actions taken and staff you have contacted, before submitting this grievance.

year of the Taylor and Co. on the 1st of January 1881.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date _____

Exh. C

DC-804

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17007-0593

FOR OFFICIAL USE ONLY

140259
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR D. Chencharick	FACILITY: SCI-Houtzdale	DATE: 1-5-06
FROM: (INMATE NAME & NUMBER) Robert M. Miller RN-3175	SIGNATURE OF INMATE <i>Robert M. Miller</i>	
WORK ASSIGNMENT Block Worker	HOUSING ASSIGNMENT 2A-28	
INSTRUCTIONS:		
<p>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p>		
<p>A. Provide a brief, clear statement of your grievance. State all relief that you are seeking. Additional paper may be used, maximum two pages. (One DC-804 Part 1 form and one, one-sided 8 1/2" x 11" page).</p> <p>On 1-5-06 plaintiff was called to R&D 6:40am for a urine test. When plaintiff attempted to provide a sample he became aware of an acute need to have a bowel movement. Plaintiff explained to CO John Doe that he had the urge for a bowel movement and requested to be allowed to sit on the commode while he gave the urine sample to avoid the unsanitary and embarrassing situation of defecating on himself. CO John Doe sneered and told plaintiff he will not be allowed to use the commode for a bowel movement and it's up to plaintiff to find a way to give a urine sample without having a bowel movement. Plaintiff pleaded with CO John Doe that it was humanly impossible to do such a thing. CO John Doe laughed and told plaintiff he doesn't care but he'd better find a way or he'll be going to the hole with shit in his pants. Then added gleefully "that would be an ugly sight." Plaintiff told CO John Doe he was being unreasonable and irrational. Plaintiff then went on to explain that he had this same problem on a previous occasion he was called for a urine and the CO allowed him to use the commode in the holding cell while he supervised to make sure plaintiff provided a urine sample in a proper manner and the sample was obtained without</p> <p>(CONT)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p>Spoke to blk Sgt and Lt Brumbaugh</p> <p>Plaintiff seeks \$100,000.00 in punitive, compensatory and declaratory damages</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Dorinda Chencharick

Signature of Facility Grievance Coordinator

1/6/06

Date

Exh. JD

FORM DC-141 PART I		COMMONWEALTH OF PENNSYLVANIA		929906	
<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number BH 3126	Name Mottis Trevor	Institution Houtz	Incident Time 24 Hr. Base 1900	Incident Date 5-15-06	Date of Report 5-15-06
Quarters CB 28	Place of Incident Activities				
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)					
DC Number	Name	I	W	DC Number	Name
STAFF	LT. Harris	X			
MISCONDUCT CHARGE OR OTHER ACTION <u>Class I #43 Presence in an unauthorized area</u>					
STAFF MEMBER'S VERSION <u>On the above date and time I called Yard out inmate Mottis (BH 3126) left the housing unit for Yard. At 1900 hrs LT. Harris called from activities and informed me that inmate Mottis was in activities without a Pass or Permission. Inmate Mottis was part of the Yardline movement and instead went to activities.</u>					
IMMEDIATE ACTION TAKEN AND REASON <u>Refer to the Unit Management Team for an informal resolution. Inmate was given a photo copy of this report by: D</u>					
PRE-HEARING CONFINEMENT		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES TIME DATE 5-23-06 1900 5-23-06: Referred by the Unit Management Team for a formal Hearing. <u>Capt. Miller</u>			
REPORTING STAFF MEMBER SIGNATURE AND TITLE <u>J. Sloan CO1</u>		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY <u>Capt. Miller</u>		DATE AND TIME INMATE GIVEN COPY DATE 5/23/06 TIME 24 HOUR BASE 1906	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE 5-25-06 TIME 0800		Misconduct Category <input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		Signature of Person Serving Notice <u>J. Sloan</u>	
NOTICE TO INMATE You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.					

Misconduct Procedures

1. Misconduct written by staff member.
2. Misconduct is given to the inmate on the day it is written.
3. **DC-141 Part II (A), "Inmate Request for Representation and Witnesses"** to be submitted by 9:00 a.m. the day after the misconduct is served.
4. **DC-141 Part II (C), "Hearing Supplement, Inmate Version, and Witness Statement"** to be submitted by 9:00 a.m. the day after the misconduct is served.

Informal Resolution Meeting

1. Meeting is held within seven days of the misconduct being served.
2. Meeting is conducted by the Unit Manager/designee and at least one other Unit Management Team Member.
3. Assistance or witnesses are not permitted.

Informal Sanctions

1. no action;
2. reprimand and/or warning;
3. refer to Hearing Examiner for a formal misconduct hearing;
4. up to seven days cell restriction;
5. up to seven days loss of specific privileges (e.g., telephone, yard, day room, etc.);
6. one week loss of commissary; and/or
7. assignment of additional work duties for which you will not be paid; and/or payment for damaged/destroyed state property, with which you agree to pay. If you do not agree, the matter will be forwarded for a formal hearing.

Formal Hearing

1. Hearing will be scheduled no less than 24 hours or no more than seven working days, excluding weekends and State holidays, after notice of the misconduct is served.
2. Conducted by a Hearing Examiner.
3. Assistance or witnesses permitted as approved by the Hearing Examiner.

Misconduct Sanctions

If you are found not guilty, this will be recorded in writing and you will be given a copy. No reason is required for a not guilty decision. Any record of the misconduct will be removed from your record and kept in a separate file until you are released or transferred. If you are found guilty the sanction indicated below may be imposed:

1. placement in the RHU for a period not to exceed 90 days per misconduct charge;
2. cell restriction for a period not to exceed 30 days per misconduct charge. Cell restriction is total confinement to general population cell, dorm area or cubicle, except for meals, showers, one formal religious service per week, commissary, law library and one 1-hour specified daily exercise period. Participation in programs, school, work is suspended;
3. loss of privileges for a prescribed period. Privileges lost must be specifically identified and shall, where possible, be related to the misconduct violation. Privileges include television, radio, telephone, and commissary for up to 180 days, visiting suspension or restriction for up to 60 days, yard and blackout;
4. loss of job assignment (this is mandatory for a guilty finding of misconduct charges #1 - #34);
5. assessment of costs as a result of the your behavior;
6. reprimand, warning, counseling;
7. final disposition of confiscated contraband;
8. revocation of pre-release status and/or outside program codes; and/or
9. limitation of commissary privileges to ten dollars (\$10.00) a week for up to one year following a finding of guilt for a misconduct involving gambling.

DC-141 Part 2B		COMMONWEALTH OF PENNSYLVANIA			
Rev. 6-84		DEPARTMENT OF CORRECTIONS			
DISCIPLINARY HEARING REPORT					
DC Number	Name	Facility	Hearing Date	Hearing Time	No. from Part 1
BH-3126	MATTIS, Trevor	SCI-HOU	5-26-06	0930	929906
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	

HEARING ACTION

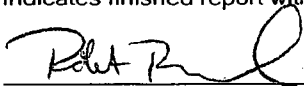
CHARGES 43 = Presence in an unauthorized area

FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED

INMATE MATTIS PLEADS NOT GUILTY. Provides a written version. Inmate Mattis ~~was~~ WAS ON A CALL OUT TO GO TO MUSIC CLASS IN ACTIVITIES. However, Inmate Mattis did NOT inform the Corrections OFFICER WHERE HE WAS GOING. HE believes the Staff members written Report over the denial OF Inmate Mattis, that INMATE MATTIS DID NOT inform THE CO where he was going, to which placed him in AN UNAUTHORIZED AREA. Inmate Mattis was reevaluated for informal resolution ON 5-23-06, THE 6TH WORKING DAY AFTER MISCONDUCT WAS WRITTEN.

Guilty: #43 - 15 days Loss of Privileges effective 5-26-06

NO TV, TELEPHONE, RADIO, ETC. BLOCKOUT OR ACTIVITIES.

<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.	Informal Written Version SEE APPENDICES <input checked="" type="checkbox"/> Witness Request
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.	
R. Reed, Hearing Examiner		 SIGNATURE OF HEARING EXAMINER/COORDINATOR	

Exh. G

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

155079
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Doretta Chencharick	FACILITY: SCI-Houtzdale	DATE: 6-13-06
FROM: (INMATE NAME & NUMBER) Trevor Mattis EH-3126	SIGNATURE of INMATE: <i>T Mattis</i>	
WORK ASSIGNMENT: Blk Worker	HOUSING ASSIGNMENT: CB-2A	
INSTRUCTIONS:		
<p>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). <i>State all relief that you are seeking.</i></p> <p>On 5-26-06 I was sanctioned 15 days LOP(tv, radio, telephone, yard) by hearing examiner R Reed. As soon as I got back to the block from the hearing CO Cadwellader came and confiscated my radio and tv. I requested that my tv and radio be checked and verified they were handed over in perfect working order. My request was granted it was checked by CO Cadwellader and witnessed by Sgt Ohler. On 6-9-06 my radio and tv was returned by Sgt Jones and it no longer functioned properly. I will have to send it out to be repaired. Plaintiff has been targeted for harassment, intimidation, and discrimination by various white supremacist staff at SCI-Houtzdale and this is very suspicious. Plaintiff has been informed who had LOP(tv & radio) and Plaintiff has been informed by other inmates who had LOP(tv & radio) that their tv & radio were not taken. The same staff told them they don't do that on C-Block. If this is true this is further incontrovertible proof of violations of plaintiff's First Amendment rights of Equal Protection.</p> <p>Plaintiff requests reimbursement for shipping and repair costs and a loaner tv for the time his tv will be out the institution.</p> <p>Plaintiff requests that this grievance not be resolved by Unit Manager Everhart.</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p>Spoke to Block CO, Sgt Jones</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Doretta Chencharick
Signature of Facility Grievance Coordinator

6/14/06
Date



Exh - G-2



DC-ADM 804, Inmate Grievance System

Attachment B

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

155079

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Trevor Mattis, BH3126	SCI-Houtzdale	CB-28	06/13/06

The following is a summary of my findings regarding your grievance

Inmate Mattis has filed this grievance regarding his radio and television. He writes that on 5/26/06, he was sanctioned 15 days loss of privileges (TV, radio, telephone, yard) by the Hearing Examiner. As soon as he returned to the block from the hearing, CO Cadwallader confiscated his television and radio in perfect working order. On 6/9/06, COII Jones returned his property to him, and it no longer functioned properly. Mattis contends that he has been "targeted for harassment, intimidation and discrimination by various white supremacist staff at SCI-Houtzdale." He claims that other inmates on C Block who received LOP did not have their television or radio taken. Mattis is requesting reimbursement for shipping, repair costs and a "loaner" tv for the time his will be out of the institution. He also requests Unit Manager Everhart not resolve this grievance.

I interviewed CO Cadwallader and COII Jones regarding this grievance. CO Cadwallader reports that he did check the TV and radio when Mattis turned them in, and they were in working order. COII Jones reports that he checked the TV and radio when they were returned to Mattis, and they were in working order. Therefore, any problem with either item would have occurred after they were in Mattis' possession.

Mattis' sanction from the Hearing Examiner was loss of privileges. The privileges specified were yard, television, radio, telephone and activities. In sanctions such as this, the inmate would be required to turn in the television and radio for the duration of the restriction. If Mattis is aware of other inmates receiving loss of privileges but not needing to turn in their property, it is most likely that the privileges restricted didn't include radio or television.

With regard to Mattis requesting Mr. Everhart not resolve this grievance, the Grievance Coordinator makes these assignments as appropriate. Mattis cannot specify who handles his grievances.

Mattis' situation has been handled fairly and properly. His television and radio were in working order when turned in and when returned. Nobody is targeting him for anything. He is cautioned about making false statements about staff. He will not be reimbursed and is not entitled to a "loaner" television.

This grievance is denied.

C: Superintendent
Superintendent's Assistant
Deputies
Majors
DC-15
File

He

Print Name and Title of Grievance Officer

SIGNATURE OF GRIEVANCE OFFICER

DATE

Jerry Everhart, Unit Manager

06/23/06

Exh H

DC-804
Part 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

155090
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <u>D. Choncharick</u>	FACILITY: <u>SCI-Houtzdale</u>	DATE: <u>6-13-06</u>
FROM: (INMATE NAME & NUMBER) <u>Trevor Mathis BN 3126</u>	SIGNATURE of INMATE: <u>T Mathis</u>	
WORK ASSIGNMENT: <u>Blk. Worker</u>	HOUSING ASSIGNMENT: <u>CB-28</u>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block E any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

Plaintiff was denied all yard from 5-26-06 to 6-9-06 as part of an LOP sanction. If cell restriction gets the yard then plaintiff should've been allowed the yard at least. This is a violation of the Fourteenth Amendment.

Plaintiff requests Unit Manager Evershard not resolve the grievance

Plaintiff seeks emotional and punitive damages

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke to Codesuborder

Your grievance has been received and will be processed in accordance with DC-ADM 804.


Signature of Facility Grievance Coordinator


Date

Exh. I

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

109011
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Chen Chavik	FACILITY: SCI-Humboldt	DATE: 1-26-05
FROM (INMATE NAME & NUMBER) TREVOR MATTIS #113126	SIGNATURE of INMATE: T. Mattis	
WORK ASSIGNMENT: School	HOUSING ASSIGNMENT: JA-16	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

I submitted a proposal to the administration for a
formation by a chapter of the NARCP in this institution.

It's been over 4 weeks and I have seen no response
helpful. The NARCP is the oldest and most African American
organization in the country. Many other institutions have
a chapter. There is no penological interest why a chapter
of the NARCP should be allowed at SCI-Humboldt. This is a
discriminatory and denial of equal opportunity.

B. List actions taken and staff you have contacted, before submitting this grievance.

Spoke to Captain T. Thomas.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

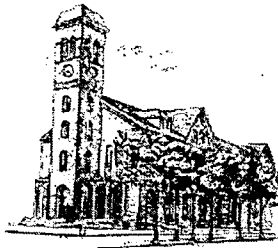
North Benbow

Signature of Facility Grievance Coordinator

1/27/05

Date

FILED
JUL 21 2006
William A. Shaw
Prothonotary Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 545, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

July 20, 2007

Commonwealth Court of Pennsylvania
Irvis Office Building
6th Floor, Room 624
Commonwealth Ave. & Walnut St.
Harrisburg, PA 17120

COPY

Re: Trevor Mattis
Vs.
George Patrick et al
No. 06-1172-CD
Commonwealth Court No. 1164 CD 2007

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

FILED
0130451
JUL 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Trevor Mattis

Vs.

Case No. 2006-01172-CD

George Patrick, et al

FILED

JUL 25 2007

my 10:170/ William A. Shaw
Prothonotary/Clerk of Courts (GR)

CERTIFICATE OF CONTENTS

NOW, this 20th day of July, 2007, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Commonwealth Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By: _____

William A. Shaw, Prothonotary

Record, Etc. Received: _____

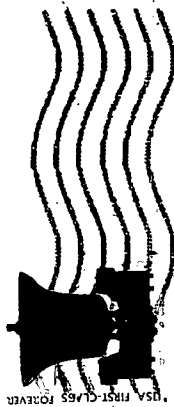
Date: _____

(Signature & Title)

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
23 JUL 2007 08 43

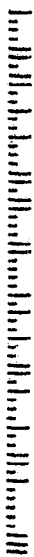
WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

HARRISBURG PA 171
23 JUL 2007 PM 4 T



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

1683030549



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 1 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON SUPERINTENDENT GEORGE PATRICK DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
06:01/6/07
AUG 10 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 2 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON CO TAYLOR DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 3 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON LT. SMITH DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 4 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON CAPTAIN IRWIN DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 5 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON CO BRAHIM DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 6 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON LT. HARRIS DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 7 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON UNIT MANAGER EVERHART DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 8 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON HEARING EXAMINER R REED DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 9 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON CO CADWALLADER DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 10 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON SGT. JONES DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICE # 11 OF 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

NOW, April 13, 2007 AT 1:30 PM SERVED THE WITHIN COMPLAINT ON MAIL ROOM SUPERVISOR NANCY SMITH DEFENDANT AT SCI HOUTZDALE, PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETTA CHEMCHARICH, C.S.A./P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102620
NO: 06-1172-CD
SERVICES 11
COMPLAINT

PLAINTIFF: TREVOR MATTIS

vs.

DEFENDANT: DOC, GEORGE PATRICK, CO TAYLOR al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SHERIFF HAWKINS	IFP		95.85

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102835
NO: 06-1172-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: TREVOR MATTIS
vs.
DEFENDANT: DOC, GEORGE PATRICK al

FILED
01/31/08
OCT 08 2007
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, May 29, 2007, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON ATTORNEY GENERAL.

NOW, May 31, 2007 AT 11:37 AM SERVED THE WITHIN COMPLAINT ON ATTORNEY GENERAL, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102835
NO: 06-1172-CD
SERVICES 1
COMPLAINT

PLAINTIFF: TREVOR MATTIS
vs.
DEFENDANT: DOC, GEORGE PATRICK al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SHERIFF HAWKINS	IFP	OFF.CREDIT	12.00
ALLEGHENY CO.	IFP		0.00

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

fw

Direction sheet for Sherrif

Page 1 of 1

William P Mullen
Acting Sheriff

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT
436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

Joseph A. Rizzo
Acting Chief Deputy

PLAINTIFF : Trevor Mattis

DEFT : Attorney General

GARNISHEE :

DISTRICT : District 1

ADDRESS : 564 Forbes Avenue

Pittsburgh, PA 15219

MUNICIPALITY/CITY WARD: Pittsburgh / 1

Originating County : Clearfield

ATTY Name/ADDRESS :

ATTY PHONE :

TYPE OF SERVICE :

☐ Personal ☒ Person In charge ☐ Deputize ☐ Mail ☐ Posted ☐ Other ☐ Seize & Stored ☐ First Class Mail ☐ Publication

Service Address Direction :

CASE # : 06-1172-CD

EXPIRES : 6/17/2007 11:59:59 PM

- ☐ SUMMONS/PRAECIPE
☐ SEIZURE OR POSSESSION
☒ NOTICE AND COMPLAINT
☐ REVIVAL OR SCI FA
☐ INTERROGATORIES
☐ EXECUTION - LEVY OR GARNISHEE
☐ OTHER

Now I, the SHERIFF OF ALLEGHENY COUNTY, PA do hereby deputize the Sheriff of _____
County to execute this Writ and make return thereof according to law

"--Is the Sheriff instructed to take manual possession of the property? _____ If "yes" bond in the amount of \$ _____ must be posted prior to levy."

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at:

MAKE _____ MODEL _____ MOTOR NUMBER _____ SERIAL NUMBER _____ LICENSE NUMBER _____

I hereby CERTIFY and RETURN that on the 31 day of May 2007 at 11:37 o'clock, AM/PM. Address Above/Address Below,
County of Allegheny, Pennsylvania

I have served in the manner Described below: _____

- ☐ Defendant(s) personally served
☐ Adult in charge of Defendant's residence who refused to give name or relationship
☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship SUE
☐ Manager/Other person authorized to accept deliveries of U.S Mail ☒ Agent or person in charge of Defendant(s) office or usual place of business.
☐ Other _____ ☒ Property Posted _____

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

☐ Certified Mail ☐ Receipt _____ ☐ Envelope Returned _____ ☐ Neither Receipt or envelope; writ expired _____

☐ Regular Mail Why: _____

You are hereby notified that on _____, 20____, levy was made in the case of _____
Possession/Sale has been set for _____ 20____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30-9:30 A.M.

ATTEMPTS _____ / _____ / _____ / _____

Additional Costs Due \$, _____ This is placed On Writ when returned to Prothonotary. Please check before Satisfying Case

Sgt. Noone



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER,
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102835

TREVOR MATTIS

vs.

DOC, GEORGE PATRICK al

TERM & NO. 06-1172-CD

COMPLAINT

SERVE BY: 06/17/07

HEARING:

MAKE REFUND PAYABLE TO IFP ORDER ENCLOSED

SERVE: ATTORNEY GENERAL

ADDRESS: 6th Fl., Manor Complex, 564 Forbes Ave., PITTSBURGH, PA 15219

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 29, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

COPY

TREVOR MATTIS,
Plaintiff

v.

GEORGE PATRICK, et al
Defendants

*
*
*
*
*

NO. 06-1172-CD

ORDER

NOW, this 14th day of March, 2007, following receipt and review of the Defendant's *pro se* Praecipe to Proceed In Forma Pauperis, it is the ORDER of this Court that the Defendant's request to Proceed In Forma Pauperis be and is hereby GRANTED.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

MAR 15 2007

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF: TREVOR MATTIS

CASE#: 06-1172-CD

VS.

EXPIRES: 6/17/07

DEFT.: DOC, GEORGE PATRICK a1

☐ SUMMONS/PRAECIPE

DEFT.: SERVE: ATTORNEY GENERAL

☐ SEIZURE OR POSSESSION

DEFT.: 6th Floor Manor Complex, 564 Forbes Ave.

☒ NOTICE AND COMPLAINT

GARNISHEE: Pittsburgh, Pa. 15219

☐ REVIVAL OR SCI FA

ADDRESS: _____

☐ INTERROGATORIES

☐ EXECUTION • LEVY OR GARNISHEE

☐ OTHER _____

MUNICIPALITY OR CITY WARD: _____ ATTY: IFP BY PLFF.

DATE: _____ 20 _____

ADDRESS: _____

ATTY'S PHONE: _____

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: May 29 20 07 I, SHERIFF OF Allegheny COUNTY, PA do hereby deputize the Sheriff of Allegheny County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE

MODEL

MOTOR NUMBER

SERIAL NUMBER

LICENSE NUMBER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the _____ day of _____, 20 _____, at _____ o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below: _____

☐ Defendant(s) personally served.

☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/other person authorized to accept deliveries of United States Mail _____

☐ Agent or person in charge of Defendant(s) office or usual place of business.

☐ Other _____

☐ Property Posted _____

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

☐ Certified Mail ☐ Receipt _____ ☐ Envelope Returned _____ ☐ Neither receipt or envelope returned: writ expired _____

☐ Regular Mail Why _____

You are hereby notified that on _____, levy was made in the case of _____
Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____ / _____ / _____

Additional Costs Due \$ _____, This is placed on writ when returned to Prothonotary. Please check before satisfying case.

PETER R. DEFAZIO, Sheriff

BY: _____ (DEPUTY)

Affirmed and subscribed before me

this _____ day of _____ 20 _____

DISTRICT: _____

Notary

White Copy - Sheriff

Pink Copy - Attorney

ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412) 350-4700
FAX (412) 350-6388

PETER R. DEFAZIO
Sheriff

DENNIS SKOSNIK
Chief Deputy

PLAINTIFF: TREVOR MATTIS
VS.
DEFT.: DOE, GEORGE PATRICK a1
DEFT.: SERVE: ATTORNEY GENERAL
DEFT.: 6th Floor Manor Complex, 564 Forbes Ave.
GARNISHEE: Pittsburgh, Pa. 15219
ADDRESS: _____

CASE#: 06-1172-CD
EXPIRES: 6/17/07
☐ SUMMONS/PRAECIPE
☐ SEIZURE OR POSSESSION
☒ NOTICE AND COMPLAINT
☐ REVIVAL OR SCI FA
☐ INTERROGATORIES
☐ EXECUTION • LEVY OR GARNISHEE
☐ OTHER _____

MUNICIPALITY OR CITY WARD: _____ ATTY: IFP BY PLFF.
DATE: _____ 20 _____ ADDRESS: _____
ATTY'S PHONE: _____

INDICATE TYPE OF SERVICE: ☐ PERSONAL ☐ PERSON IN CHARGE ☒ DEPUTIZE ☐ MAIL ☐ POSTED ☐ OTHER ☐ LEVY ☐ SEIZED & STORED

NOW: May 29 20 07 I, SHERIFF OF Allegheny COUNTY, PA do hereby deputize the Sheriff of
ALLEGHENY County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the _____ day of _____, 20 _____, at _____ o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below: _____

- ☐ Defendant(s) personally served.
☐ Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
☐ Adult in charge of Defendant's residence who refused to give name or relationship.
☐ Manager/other person authorized to accept deliveries of United States Mail
☐ Agent or person in charge of Defendant(s) office or usual place of business.
☐ Other _____
☐ Property Posted _____

Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____
☐ Certified Mail ☐ Receipt _____ ☐ Envelope Returned _____ ☒ Neither receipt or envelope returned: writ expired _____
☐ Regular Mail Why _____

You are hereby notified that on _____, levy was made in the case of _____
Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.

ATTEMPTS _____

Additional Costs Due \$ _____, This is placed on writ when returned to Prothonotary. Please check before satisfying case.

PETER R. DEFAZIO, Sheriff

BY: _____ (DEPUTY)

DISTRICT: _____

Affirmed and subscribed before me this _____ day of _____, 20 _____

Notary

White Copy - Sheriff

Pink Copy - Attorney



Supreme Court of Pennsylvania

Western District

March 20, 2008

John A. Vaskov, Esq.
Deputy Prothonotary
Patricia A. Nicola
Chief Clerk

801 City-County Building
Pittsburgh, PA 15219
412-565-2816
www.aopc.org

Mr. William A. Shaw
Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

06-1172-CD

RE: Trevor Mattis, Petitioner

v.

DOC, George Patrick, Co. Taylor, Lt. Smith, Capt. Irwin, Co.
Brahim, Lt. Harris, J. Everhart, Sgt. Jones, R. Reed, Co. Cadwallader, Respondents
Commonwealth Docket Number - 1164 CD 2007

Trial Court/Agency Dkt. Number: No. 06-1172-CD

No. 165 WAL 2008

Appeal Docket No.:

Date Petition for Allowance of Appeal Filed: February 5, 2008

Disposition:

Date:

Reargument/Reconsideration Disposition:

Reargument/Reconsideration

Disposition Date:

/kao

FILED ^{no}cc
m/12:55/64
MAR 24 2008
GP

William A. Shaw
Prothonotary/Clerk of Courts



Supreme Court of Pennsylvania

Western District

September 2, 2008

06-1172-CD

John A. Vaskov, Esq.
Deputy Prothonotary
Patricia A. Nicola
Chief Clerk

801 City-County Building
Pittsburgh, PA 15219
412-565-2816
www.aopc.org

Mr. William A. Shaw
Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: Trevor Mattis, Petitioner

v.

DOC, George Patrick, Co. Taylor, Lt. Smith, Capt. Irwin, Co.
Brahim, Lt. Harris, J. Everhart, Sgt. Jones, R. Reed, Co. Cadwallader, Respondents
Commonwealth Docket Number - 1164 CD 2007

Trial Court/Agency Dkt. Number: No. 06-1172-CD

No. 165 WAL 2008

Appeal Docket No.:

Date Petition for Allowance of Appeal Filed: February 5, 2008

Disposition: Order Denying Petition for Allowance of Appeal
Date: August 14, 2008

Reargument/Reconsideration Disposition:

Reargument/Reconsideration
Disposition Date:

/kao

FILED
MT10:5361
SEP 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

Supreme Court of Pennsylvania



Commonwealth Court of Pennsylvania

Kristen W. Brown
Prothonotary
Michael Kimmel, Esq.
Chief Clerk of Commonwealth Court

September 8, 2008

Iris Office Building, Room 624
Harrisburg, PA 17120
717-255-1652

FILED

SEP 15 2008

W/ 11:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

Come to
Common Court

TO:

RE: Mattis v. Patrick et al
No.1164 CD 2007

Trial Court/Agency Dkt. Number: No. 06-1172-CD
Trial Court/Agency Name: Clearfield County Court of Common Pleas

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
Trial Court Record	July 23, 2007	1
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

9-15-08

Date

Printed Name

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis,

Appellant

v.

DOC, George Patrick, Co. Taylor, Lt.

Smith, Capt. Irwin, Co. Brahim, Lt.

Harris, J. Everhart, Sgt. Jones, R. Reed,

Co. Cadwallader

No. 1164 C.D. 2007

Submitted: October 19, 2007

FILED

SEP 15 2008

m/11:30

William A. Shaw

Prothonotary/Clerk of Courts

OPINION NOT REPORTED

MEMORANDUM OPINION

PER CURIAM

FILED: January 24, 2008

Trevor Mattis (Appellant) appeals from a decision of the Clearfield County Court of Common Pleas (trial court) which denied Appellant's *in forma pauperis* petition and thereafter, dismissed his complaint. We affirm.

On July 21, 2006, Appellant filed a complaint and an *in forma pauperis* petition with the trial court. On July 27, 2006, the trial court denied the *in forma pauperis* petition, believing that it did not have the appropriate jurisdiction. On August 11, 2006, Appellant filed a petition for review with our court. On August 14, 2006, our court transferred the petition for review to the trial court. On August 22, 2006, the trial court sent Appellant a letter marking the case stricken effective August 22, 2006. On August 28, 2006, Appellant filed a motion for good cause and permission to proceed.

On February 9, 2007, Glenn Irwin (Irwin), John Harris (Harris), Jerry Everhart (Everhart), Todd Cadwallader (Cadwallader), George Patrick (Patrick), Robert Taylor (Taylor), James B. Smith (Smith), Peter Brahim (Brahim), Jeremy Jones (Jones), Robert Reed (Reed) (collectively, individual Appellees) and the

Department of Corrections (Department) (collectively, Appellees) filed their first set of preliminary objections to Appellant's original complaint, challenging Appellant's lack of service. On April 13, 2007, Appellant made proper service on the individual Appellees, making said preliminary objections moot as to the individual Appellees. However, Appellant did not serve the office of the attorney general as required by Pa. R.C.P. No. 422.

On May 9, 2007, after individual Appellees were served by Appellant, Appellees filed a second set of preliminary objections. On June 8, 2007, the trial court granted Appellees' preliminary objections and dismissed Appellant's complaint with prejudice. Appellant filed a timely appeal to our court.¹

Appellant contends that the trial court erred in granting Appellees' preliminary objections as he properly served the Department in accordance with Pa. R.C.P. No. 422; that he stated a case upon which relief may be granted against individual Appellees; and that he exhausted his administrative remedies prior to commencing this action.

Pennsylvania Rule of Civil Procedure 422 provides that:

Service of original process upon the Commonwealth or an officer of the Commonwealth, or a department, board, commission or instrumentality of the Commonwealth, or a member thereof, shall be made at the office of the defendant and the office of the attorney general by handing a copy to the person in charge thereof.

¹ Our review of a trial court's order sustaining preliminary objections and dismissing the complaint is whether the trial court committed an error of law or an abuse of discretion. Sassu v. Borough of West Conshohocken, 929 A.2d 258 (Pa. Cmwlth. 2007). We will accept all well-pled facts in the complaint as true, as well as any reasonable inferences from those facts. Id.

As the trial court found, there is no indication in the record that Appellant served the office of the attorney general. In Gallman v. Martin, 889 A.2d 649 (Pa. Cmwlth. 2005), our court determined that the trial court lacked personal jurisdiction over the Department of Corrections due to the plaintiff's failure to effect service in accordance with Pa. R.C.P. No. 422.

Thus, in the present controversy, the trial court was correct in determining that Appellant's failure to serve the office of the attorney general results in dismissal of Appellant's complaint against the Department for failure to make proper service. However, proper service was made on the individual Appellees, so we must address the issues against them as individuals.

Appellant contends that the trial court erred in granting individual Appellees' preliminary objections as he did state a case upon which relief may be granted against the individual Appellees. Appellant alleges in his complaint that "various staff" have targeted Appellant for "harassment, intimidation, discrimination, and retaliation" due to the fact that he had initiated a civil complaint against the staff at the State Correctional Institution at Graterford (SCI-Graterford). Appellant's Complaint, at 1-2.

Appellant contends that the individual Appellees acted in retaliation. In proving a claim of retaliation, Appellant must plead that the conduct which led to the alleged retaliation was constitutionally protected; that he suffered some adverse action that was sufficient to deter a person of ordinary firmness from exercising his constitutional rights; and lastly, that the constitutionally protected conduct was a substantial or motivating factor in the decision to take adverse action. Yount v. Department of Corrections, 886 A.2d 1163 (Pa. Cmwlth. 2005).

The conduct Appellant contends caused the alleged retaliation was Appellant's initiation of a civil complaint against staff at SCI-Graterford. The filing of a civil complaint is a constitutionally protected right. However, Appellant fails to show that he suffered an adverse action that was sufficient to deter him, or a person of ordinary firmness, from exercising his constitutional rights or that such conduct by Appellant was a substantial or motivating factor for the individual Appellees to take such adverse actions.

First, Appellant alleges that Taylor and Smith forced him to ship three of his boxes containing legal matter or they would be destroyed.² Our court has previously ruled on this issue in Hackett v. Department of Corrections, 751 A.2d 272 (Pa. Cmwlth. 2000). Therein, we determined that "limiting the amount of material that an inmate may keep in his cell is rationally related to legitimate penological goals of safety and security." Id. at 275. Thus, this allegation of retaliation is not supported by Appellant's complaint, as Appellant fails to show that such actions by individual Appellees were motivated by Appellant filing the civil complaint.

Next, Appellant alleges that Irwin "ignored" Appellant when Appellant asked him why he was never given a confiscation slip for all the property that security confiscated from him. In this instance, Appellant fails to show that he suffered an adverse action that was sufficient to deter him or a person of ordinary firmness from exercising his constitutional rights. The trial court was correct in determining that Appellant failed to state a case upon which relief may be granted against Irwin.

² Taylor told Appellant that he would not "be filing any more complaints" and Smith told him that he would not "be writing any more books around here." Appellant's Complaint, at 2.

Next, Appellant alleges that Brahim denied Appellant's request to sit on the commode while giving a urine sample.³ The trial court found that denial of a request to alter the procedure followed in giving a urine sample was not a violation of Appellant's constitutional rights. An inmate does not have a right to change how a test is administered by the Department. Appellant again failed to allege how this action by Brahim was motivated by his filing of the civil complaint. The trial court did not err in finding that Appellant failed to state a case upon which relief may be granted against Brahim.

Next, Appellant alleges that Harris called another Department employee and ordered him to issue a misconduct citation against Appellant for being in an unauthorized area when he arrived at an activity early.⁴ Appellant admits to being in an unauthorized area. The Department's policy is to issue a misconduct citation when an inmate is in an unauthorized area. As Appellant was in an unauthorized area, Harris did not violate Appellant's rights when he ordered that a misconduct citation be issued against Appellant. Again, Appellant fails to show that such conduct by Harris stemmed from his filing of the civil complaint or that he suffered an adverse action due to such complaint.

Next, Appellant contends that after the shift commander had referred the misconduct for an informal hearing before Everhart, Everhart refused to meet with Appellant within seven days, as allegedly required by Department policy and

³ Appellant stated that Brahim denied Appellant's request to sit on the commode while giving a urine sample, "forcing" Appellant to then defecate on himself while giving such sample. Brahim then laughed at Appellant, who "was then forced to walk back to his block through the general inmate population in an unclean state and smelling foul." Appellant's Complaint, at 4. "As a direct result[,] [Appellant] was embarrassed, degraded, humiliated, and dehumanized." *Id.*

⁴ Appellant claims that other inmates who arrived after him were returned to their block but did not receive a misconduct citation. Appellant's Complaint at 4-5.

that on the eighth day, Everhart referred the misconduct to a formal hearing in order to expose Appellant to a more stringent punishment. Further, Everhart refused to recuse himself from hearing Appellant's grievance after Appellant requested he do so. Once again, Appellant fails to allege that Everhart's conduct was motivated by Appellant's filing of his civil complaint.

Next, Appellant contends that Reed, the hearing examiner that Appellant's misconduct charge was referred to, ignored the alleged Department policy requiring a meeting within seven days and found Appellant guilty. Appellant's Complaint, at 5-6. Reed, in finding Appellant guilty of a misconduct which Appellant admitted to, did not violate any of Appellant's rights. Appellant fails to show that this guilty verdict was the result of Reed seeking to punish him due to his filing of the civil complaint.

Next, Appellant alleges that when Cadwallader received Appellant's television and radio, he inspected them to verify that they worked. However, such items were returned to Appellant damaged. Appellant's Complaint, at 6-7. Appellant does not allege that Cadwallader damaged his property, only that he inspected it upon receipt. Thus, Appellant fails to allege that he suffered a harm which was caused by Cadwallader who was motivated by Appellant's filing of his civil complaint.

Next, Appellant alleges that Jones falsely claimed that he inspected Appellant's television and radio upon their return to Appellant, as such items were returned to Appellant damaged. Appellant's Complaint, at 7. Appellant still fails to allege that such action by Jones was motivated by Appellant's filing of the civil complaint or that such action against him was sufficient to deter Appellant from exercising his constitutional rights.

After reviewing Appellant's complaint, we are unable to find any specific allegations against Patrick.

As Appellant failed to show that he suffered an adverse action that was sufficient to deter him, or a person of ordinary firmness, from exercising his constitutional rights or that such conduct by Appellant was a substantial or motivating factor for the individual Appellees to take such adverse actions, we must agree with the trial court that Appellant failed to state a claim upon which relief can be granted against the individual Appellees.

Finally, Appellant contends that the trial court erred in granting Appellees' preliminary objections as Appellant did exhaust his administrative remedies prior to commencing this action. An inmate must exhaust all available administrative remedies before seeking redress from the courts. St. Clair v. Board of Probation and Parole, 493 A.2d 146 (Pa. Cmwlth. 1985). The trial court is without power to act until all of Appellant's administrative remedies have been exhausted.

In the present controversy, Appellant has failed to take appeals from the denial of his grievances. Thus, Appellant has failed to exhaust his administrative remedies. The trial court was correct in dismissing Appellant's action with prejudice.

Accordingly, we must affirm the decision of the trial court.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis,

Appellant

v.

No. 1164 C.D. 2007

DOC, George Patrick, Co. Taylor, Lt.

Smith, Capt. Irwin, Co. Brahim, Lt.

Harris, J. Everhart, Sgt. Jones, R. Reed,

Co. Cadwallader

PER CURIAM

ORDER

AND NOW, this 24th day of January, 2008, the order of the Court of
Common Pleas of Clearfield County in the above-captioned matter is affirmed.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis,

Appellant

v.

DOC, George Patrick, Co. Taylor, Lt.

Smith, Capt. Irwin, Co. Brahim, Lt.

Harris, J. Everhart, Sgt. Jones, R. Reed,

Co. Cadwallader

No. 1164 C.D. 2007

Submitted: October 19, 2007

FILED

JAN 28 2008

m/11:55/wm
William A. Shaw
Prothonotary/Clerk of CourtsOPINION NOT REPORTEDMEMORANDUM OPINION
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After reviewing Appellant's complaint, we are unable to find any specific allegations against Patrick.

As Appellant failed to show that he suffered an adverse action that was sufficient to deter him, or a person of ordinary firmness, from exercising his constitutional rights or that such conduct by Appellant was a substantial or motivating factor for the individual Appellees to take such adverse actions, we must agree with the trial court that Appellant failed to state a claim upon which relief can be granted against the individual Appellees.

Finally, Appellant contends that the trial court erred in granting Appellees' preliminary objections as Appellant did exhaust his administrative remedies prior to commencing this action. An inmate must exhaust all available administrative remedies before seeking redress from the courts. St. Clair v. Board of Probation and Parole, 493 A.2d 146 (Pa. Cmwlth. 1985). The trial court is without power to act until all of Appellant's administrative remedies have been exhausted.

In the present controversy, Appellant has failed to take appeals from the denial of his grievances. Thus, Appellant has failed to exhaust his administrative remedies. The trial court was correct in dismissing Appellant's action with prejudice.

Accordingly, we must affirm the decision of the trial court.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Trevor Mattis,

Appellant

v.

No. 1164 C.D. 2007

DOC, George Patrick, Co. Taylor, Lt.

Smith, Capt. Irwin, Co. Brahim, Lt.

Harris, J. Everhart, Sgt. Jones, R. Reed,

Co. Cadwallader

PER CURIAM

ORDER

FILED
JAN 28 2008

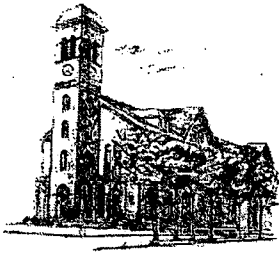
William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, this 24th day of January, 2008, the order of the Court of
Common Pleas of Clearfield County in the above-captioned matter is affirmed.

Certified from the Record

JAN 24 2008

and Order Exit



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

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COPY

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

Trevor Mattis
BH 3126
PO Box 1000
Houtzdale, PA 16698-1000

Robert B. MacIntyre, Esq.
55 Utley Drive
Camp Hill, PA 17011

Trevor Mattis
Vs.
George Patrick et al

Court No. 06-1172-CD; Commonwealth Court No. 1164 CD 2007

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Commonwealth Court of Pennsylvania on July 20, 2007.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Civil Other

Date		Judge
07/21/2006	New Case Filed.	No Judge
	Filing: Praeipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash)	No Judge
07/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Fredric Joseph Ammerman
08/22/2006	Letter to Plaintiff, Case Stricken effective August 22, 2006.	No Judge
08/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge
08/31/2006	Order, filed NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge
09/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge
09/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge
12/13/2006	Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC	No Judge
	Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm. Court)	No Judge
12/14/2006	Additional Matters, filed by Plaintiff No cert. copies. (duplicate additional matters received on 12/13/2006)	No Judge
12/19/2006	Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service.	No Judge
02/02/2007	Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2006 attached to Order)	Fredric Joseph Ammerman
02/12/2007	Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Praeipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A	Fredric Joseph Ammerman
02/13/2007	Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 02:52 PM

Page 2 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
02/14/2007	Filing: Praecipe to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
03/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praecipe to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA	Fredric Joseph Ammerman
	Praecipe To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC	Fredric Joseph Ammerman
03/21/2007	Praecipe to Reinstate Complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff	Fredric Joseph Ammerman
03/27/2007	Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
03/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement for Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED.	Fredric Joseph Ammerman
04/04/2007	Pursuant to Pa.R.C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant.	Fredric Joseph Ammerman
04/09/2007	Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
04/12/2007	Response to Defendants' Preliminary Objections and Motion to Stay Discovery, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
04/16/2007	Order, filed 1 Cert. to Atty. & 1 Cert. to Plaintiff. Now, this 10th day of April, 2007, RE: Motion to Stay Discovery, Hereby Ordered that Motion is Granted and discovery is Stayed.	Fredric Joseph Ammerman
	Received letter and "appeal to order denying plaintiff's petition for re-imbursement of filing fees" from Commonwealth Court. Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905.	Fredric Joseph Ammerman
	Order, NOW, this 16th day of April, 2007, it is Ordered: 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/09/2007	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty.	Fredric Joseph Ammerman
05/10/2007	Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC	Fredric Joseph Ammerman

Date: 07/20/2007

Time: 02:52 PM

Page 3 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

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

JUL 20 2007

Civil Other

Date	Judge	Attest.
05/11/2007	Order, this 10th day of May, 2007, The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. it is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre, 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman Prothonotary Clerk of Court
05/18/2007	Praecipe to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
05/23/2007	Plaintiffs Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
05/25/2007	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
06/08/2007	Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiff's Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre, 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
06/11/2007	Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman
06/20/2007	Objections to Notice of Removal, filed by Plaintiff. no cert. copies.	Fredric Joseph Ammerman
06/21/2007	Notice of Appeal, filed by Trevor Mattis 1 Cert. copy to Commonwealth Court.	Fredric Joseph Ammerman
	Request to Continue In Forma Pauperis Status on Appeal, filed by Plaintiff 1 Cert. to Commonwealth Court.	Fredric Joseph Ammerman
	Certificate of Service, filed by Plaintiff Copy of the enclosed motion mail to Robert MacIntyre on June 14, 2007 no cert. copies.	Fredric Joseph Ammerman
06/25/2007	Order, this 25th day of June, 2007, the Court having received and reviewed the Plaintiff's pro se Request to Continue in forma pauperis status on Appeal filed June 21, 2007, it is Ordered that the Plaintiff's pro se request is Granted for purposes of his appeal to the Commonwealth Court. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff, 1CC Comm. Crt	Fredric Joseph Ammerman
06/28/2007	Order, United States District Court For The Western District of Pennsylvania, Defendants removed this matter, originally filed at 2006-1172-CD in the Court of Common Pleas of Clearfield County, to this Court. Defendants have discovered, inter alia, that their notice of removal was untimely and now move to strike their notice of removal. docket no. 4. The motion is granted, and this matter is remanded to the Court of Common Pleas of Clfd. Co. The Clerk shall mark this matter closed. /s/ Keith A. Pesto, United States Magistrate Judge.	No Judge
07/05/2007	Commonwealth Court of Pennsylvania, Notice of Docketing Appeal, filed. Commonwealth Court Number 1164 CD 2007.	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1172-CD

Trevor Mattis

VS.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	07/21/06	Praeipe to Proceed In Forma Pauperis	27
02	07/27/06	Order, Re: IFP denied for inappropriate jurisdiction	02
03	08/22/06	Letter to Plaintiff, Re: Case Stricken effective August 22, 2006	01
04	08/28/06	Motion for Good Cause and Permission to Proceed	02
05	08/31/06	Order from Commonwealth Court directing the matter be certified to Court of Common Pleas of Clearfield County	02
06	09/15/06	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA	32
07	09/18/06	Payment received for filing Motion for Good Cause	04
08	12/13/06	Petition for the Appointment of a Judge	02
09	12/13/06	Additional Matters filed by Plaintiff (received from Commonwealth Court)	04
10	12/14/06	Additional Matters filed by Plaintiff (duplicate of Additional Matters filed 12/13/06)	03
11	12/19/06	Request for Admissions	17
12	02/02/07	Order, Re: Petition for Appointment of a Judge Denied	02
13	02/12/07	Defendants' Preliminary Objections to Plaintiff's Complaint	05
14	02/12/07	Praeipe for Entry of Appearance	02
15	02/13/07	Order, Re: Plaintiff's Complaint is Dismissed; Plaintiff directed to properly serve Complaint on Defendants	01
16	02/14/07	Praeipe to Reinstate Complaint	01
17	03/15/07	Order, Re: Praeipe to Proceed In Forma Pauperis Granted	01
18	03/15/07	Praeipe to Proceed In Forma Pauperis	05
19	03/21/07	Plaintiff to Reinstate Complaint	01
20	03/27/07	Petition for Reimbursement of Filing Fees	01
21	03/28/07	Order, Re: Petition for Reimbursement of Filing Fees Denied	01
22	04/04/07	Pursuant to Pa.R.C.P. Rule 2252 to join Ms. Nancy Smith as additional defendant	03
23	04/09/07	Defendants' Motion to Stay Discovery with Order Granting Motion filed April 16, 2007	05
24	04/12/07	Response to Defendants' Preliminary Objections and Motion to Stay Discovery	03
25	04/16/07	Received letter and "Appeal to Order denying Plaintiff's Petition for Reimbursement of Filing Fees" from Commonwealth Court	08
26	04/16/07	Order, Re: Document filed April 4, 2007, by Plaintiff is Dismissed. Nancy Smith not joined as an additional defendant. Defendant's Preliminary Objections to Plaintiff's Complaint will be decided without oral argument	01
27	05/09/07	Defendant's Preliminary Objections to Plaintiff's Complaint	20
28	05/10/07	Motion for Production of Documents and Things	03
29	05/11/07	Order, Re: Preliminary Objections	01
30	05/18/07	Praeipe to Reinstate Complaint	01
31	05/23/07	Plaintiff's Response to the Defendant's Preliminary Objections	32
32	05/25/07	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections	01
33	06/08/07	Opinion and Order, Re: Defendants' Preliminary Objections are Granted. Complaint is Dismissed with Prejudice	10
34	06/11/07	Notice of Removal	29
35	06/20/07	Objections to Notice of Removal	02
36	06/21/07	Notice of Appeal	01
37	06/21/07	Request to Continue In Forma Pauperis Status on Appeal	02
38	06/21/07	Certificate of Service	01
39	06/25/07	Order, Re: Pro Se request to Continue In Forma Pauperis Status is Granted for purposes of appeal	01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1172-CD

Trevor Mattis

VS.

George Patrick et al

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
40	06/28/07	Order from U.S. District Court for the Western District of PA, Re: Motion to Strike Notice of Removal Granted. Matter is remanded to Court of Common Pleas of Clearfield County	02
41	07/05/07	Commonwealth Court of PA, Notice of Docketing Appeal, Comm. Court No. 1164 CD 2007	02

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

TREVOR MATTIS,

Plaintiff,

V.

**DOC, GEORGE PATRICK, CO
TAYLOR, LT. SMITH, CAPT. IRWIN,
CO BRAHIM, LT. HARRIS, UNIT
MANAGER EVERHART, R. REED,
CO CADWALLADER, SGT. JONES.**

Defendants.

Civil Action No. 07-137

Electronically filed.

RECEIVED
PROTHONOTARY'S OFFICE
6/27/07
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

06-1172-CD

MOTION TO STRIKE NOTICE OF REMOVAL

AND NOW come the defendants, the Department of Corrections, George Patrick, CO Taylor, Lt. Smith, Capt. Irwin, CO Brahim, Lt. Harris, Unit Manager Everhart, R. Reed, CO Cadwallader, and Sgt. Jones, by their attorneys Thomas W. Corbett, Jr., Attorney General, Douglas B. Barbour, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully submit the following Motion to Strike Notice of Removal:

1. Plaintiff commenced this civil action by Complaint on or about June 26, 2006, in the Court of Common Pleas of Clearfield County at Number 2006-1172-CD. The Complaint was reinstated numerous times, most recently on May 18, 2007.
2. The Office of Attorney General first learned of this case when a copy of the Complaint was served via hand-delivery upon the receptionist at the Office of Attorney General's Western Regional Office on or about May 31, 2007. The Office of Attorney General was served with a copy of the complaint in accordance with Pa.R.C.P.

422, which requires service upon both the department and the Office of the Attorney General in cases where a department of the Commonwealth is named as a defendant.

3. Unbeknownst to the Office of Attorney General, the individual defendants were properly served on or about April 13, 2007. Also on or about this date, the DOC received a copy of the Complaint.

4. Also unbeknownst to the Office of Attorney General, the DOC's Office of General Counsel had decided to handle the case internally, and was actively litigating the matter in state court. See Exhibit A (Docket report for Case No. 2006-1172-CD).

5. Through administrative oversight, the Office of Attorney General assumed that it had been assigned the case.

6. On June 7, 2007, the undersigned counsel filed a Notice of Removal on behalf of all defendants. The case was issued the above-captioned number on June 8, 2007.

7. Thus, the Notice of Removal filed on June 7, 2007, and docketed on June 8, 2007, was the result of administrative oversight. Defendants thus respectfully request that the Notice be stricken, and the case docketed at 3:07-cv-00137 be dismissed.

8. Moreover, the Notice of Removal was inadvertently filed more than thirty (30) days after the defendants received notice of plaintiff's state court complaint, and thus it should be stricken pursuant to 28 U.S.C. § 1446(b). Plaintiff has filed objections to the Notice of Removal in the Court of Common Pleas of Clearfield County on this basis. See Exhibit B.

9. Copies of this Motion to Strike Notice of Removal will be duly filed with the Prothonotary of the Court of Common Pleas of Clearfield County and served upon

plaintiff.

WHEREFORE, it is respectfully requested that this Motion to Strike Notice of Removal be GRANTED, and the case be returned to the state court for proceedings consistent with the pleadings and orders filed at No. 2006-1172-CD.

Respectfully submitted,

Thomas W. Corbett, Jr.,
Attorney General

By: /s/ Douglas B. Barbour
Douglas B. Barbour
Deputy Attorney General
Attorney I.D. No. 94105

Office of Attorney General
564 Forbes Avenue, Manor Complex
Pittsburgh, PA 15219
Phone: (412) 565-7680
Fax: (412) 565-3028

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

Date: June 25, 2007

CERTIFICATE OF SERVICE

I, Douglas B. Barbour, counsel for moving defendants, hereby certify that on June 25, 2007, I caused a true and correct copy of the foregoing document titled Motion to Strike Notice of Removal to be served via First-Class U.S. mail, to all parties as follows:

Trevor Mattis
BH-3126
SCI-Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

William A. Shaw, Prothonotary
Clearfield County Courthouse
230 E. Market St.
Clearfield, PA 16830

/s/ Douglas B. Barbour
Douglas B. Barbour
Deputy Attorney General

Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

June 25, 2007

EXHIBIT A

Date: 6/25/2007

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 11:23 AM

ROA Report

Page 1 of 3

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
7/21/2006	New Case Filed.	No Judge
	Filing: Praecipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash)	No Judge
7/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Fredric Joseph Ammerman
8/22/2006	Letter to Plaintiff, Case Stricken effective August 22, 2006.	No Judge
8/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued	No Judge
8/31/2006	Order, filed NOW, this 14th day of 2006. Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge
9/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge
9/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge
12/13/2006	Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC	No Judge
	Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm. court)	No Judge
12/14/2006	Additional Matters, filed by Plaintiff No cert. copies. (duplicate additional matters received on 12/13/2006)	No Judge
12/19/2006	Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service.	No Judge
2/2/2007	Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2007 attached to Order)	Fredric Joseph Ammerman
2/12/2007	Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Praecipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A	Fredric Joseph Ammerman
2/13/2007	Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre	Fredric Joseph Ammerman

Date: 6/25/2007

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 11:23 AM

ROA Report

Page 2 of 3

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
2/14/2007	Filing: Praeipce to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
3/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praeipce to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA Praeipce To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
3/21/2007	Praeipce to Reinstate complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff	Fredric Joseph Ammerman
3/27/2007	Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
3/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement fo Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED.	Fredric Joseph Ammerman
4/4/2007	Pursuant to P.R C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant.	Fredric Joseph Ammerman
4/9/2007	Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
4/12/2007	Response to Defendants' Preliminary Objections and Motion to Stay Discovery, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
4/16/2007	Order, filed 1 Cert. to Atty. & 1 Cert. to Plaintiff. Now, this 10th day of April, 2007, RE: Motion to Stay Discovery. Hereby Ordered that Motion is Granted and discovery is Stayed. Received letter and "appeal to order denying plaintiff's petition for re-imbursement of filing fees" from Commonwealth Court. Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905.	Fredric Joseph Ammerman Fredric Joseph Ammerman
	Order, NOW, this 16th day of April, 2007, it is Ordered: 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court. /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126. SCI Houtzdale	Fredric Joseph Ammerman
5/9/2007	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty.	Fredric Joseph Ammerman
5/10/2007	Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC	Fredric Joseph Ammerman

Date: 6/25/2007

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 11:23 AM

ROA Report

Page 3 of 3

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
5/11/2007	Order, this 10th day of May, 2007. The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. It is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre; 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
5/18/2007	Praecept to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
5/23/2007	Plaintiff's Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
5/25/2007	Addendum to Plaintiff's Response to the Defendant's Preliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
6/8/2007	Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiff's Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre. 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
6/11/2007	Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman
6/20/2007	Objections to Notice of Removal, filed by Plaintiff. no cert. copies.	Fredric Joseph Ammerman
6/21/2007	Notice of Appeal, filed by Trevor Mattis 1 Cert. copy to Commonwealth Court. Request to Continue In Forma Pauperis Status on Appeal, filed by Plaintiff 1 Cert. to Commonwealth Court. Certificate of Service, filed by Plaintiff Copy of the enclosed motion mail to Robert MacIntyre on June 14, 2007 no cert. copies.	Fredric Joseph Ammerman Fredric Joseph Ammerman Fredric Joseph Ammerman

EXHIBIT B

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

TREVOR MATTIS
Plaintiff

v

No. 06-1172-CD

GEORGE PATRICK, et al
Defendants

OBJECTION TO NOTICE OF REMOVAL

Plaintiff objects to the defendants attempt to remove complaint 06-1172-CD from the Court of Common Pleas of Clearfield County to the United States District Court for the Western District of Pennsylvania

The District Court lacks jurisdiction of plaintiff's state complaint pursuant to 28 USC§1446(b) as the defendants were served on or about 4-13-07, therefore, the Notice of Removal was filed more than 30 days after the receipt of plaintiff's complaint

Whereas the Notice of Removal is untimely this change of venue has been waived and therefore should be denied

Respectfully submitted,

Trevor Mattis
Trevor Mattis (pro-se)

June 17, 2007

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

TREVOR MATTIS,)	
)	
Plaintiff,)	
)	Civil Action No. 07-137
v.)	
)	
DOC, GEORGE PATRICK, CO)	
TAYLOR, LT. SMITH, CAPT. IRWIN,)	
CO BRAHIM, LT. HARRIS, UNIT)	
MANAGER EVERHART, R. REED,)	
CO CADWALLADER, SGT. JONES,)	
)	
)	
Defendants.)	

ORDER OF THE COURT

AND NOW, to-wit, this _____ day of _____,

2007, upon consideration of the forgoing Motion to Strike Notice of Removal, IT IS
HEREBY ORDERED that the motion is GRANTED. This matter is hereby dismissed.

BY THE COURT:

J.



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

COPY

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

RONDA WISOR
DEPUTY COURT ADMINISTRATOR

August 29, 2006

Mr. Trevor Mattis
Inmate No. BH-3126
SCI-Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

RE: Trevor Mattis vs. DOC, Mr. George Patrick, et al.,
No. 2006-1172-CD

Dear Mr. Mattis:

The Court is in receipt of your Motion for Good Cause and Permission to Proceed filed in the above captioned civil action.

However, the original record in this matter has yet to be returned to the lower Court from the Appellate Court. Accordingly, your motion is premature, at this time.

Once the original record is received by the Court, and a reasonable amount of time has elapsed, in order to allow the Court an opportunity to review the file and original record in this case, your motion will be taken under consideration and advisement at that time.

Respectfully yours,

David S. Meholick
Court Administrator

DSM/dm

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 431 MD 2006

Page 1 of 3

August 28, 2006

Trevor Mattis,
Petitioner

v.

DOC, Mr. George Patrick,
CO Taylor, Lt. Smith, Capt.
Irvin, CO Bahim, Lt. Harris,
J. Everhart, Sgt. Jones,
R. Reed, CO Cadwallader,
Respondents

Initiating Document: Complaint

Case Status: Closed

Case Processing Status: August 14, 2006 Completed

Journal Number:

Case Category: Miscellaneous CaseType: Inmate Petition for Review

Consolidated Docket Nos.:

Related Docket Nos.:

COUNSEL INFORMATION

Petitioner Mattis, Trevor

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: Pending

Attorney: Mattis, Trevor

Law Firm:

Address: BH-3126 SCI-Houtzdale
P O Box 1000
Houtzdale, PA 16698
Phone No.:

Respondent Department of Corrections

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Farnan, Michael A.

Law Firm:

Address: Pennsylvania Dept. of Corrections
P.O. Box 598

PACMS Web Docket Sheet

Recent entries made in the appellate court filing offices may not be immediately reflected on web generated docket sheets.

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Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 431 MD 2006

Page 2 of 3

August 28, 2006



Camp Hill, PA 17001
Phone No.: (717)975-4864

TRIAL COURT/AGENCY INFORMATION

Court Below: Department of Corrections

County:

Division:

Date of Order Appealed From:

Judicial District:

Date Documents Received: August 11, 2006

Date Notice of Appeal Filed:

Order Type:

ORIGINAL RECORD CONTENTS

BRIEFING SCHEDULE

PACMS Web Docket Sheet

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Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania



Docket Number: 431 MD 2006

Page 3 of 3

August 28, 2006

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
August 11, 2006	Complaint Filed	Petitioner	Mattis, Trevor
August 11, 2006	Application to Proceed In Forma Pauperis	Petitioner	Mattis, Trevor
August 14, 2006	Transfer		Per Curiam
The mater is TRANSFERRED to the Court of Common Pleas of Clearfield County.			

DISPOSITION INFORMATION

Related Journal Number: Judgment Date: 8/14/2006
Disposition Category: Disposed Before Decision Disposition Author: Per Curiam
Disposition: Transfer Disposition Date: 8/14/2006
Dispositional Comments: The mater is TRANSFERRED to the Court of Common Pleas of Clearfield County.

Dispositional Filing:

Author:

Filed Date:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date:

Reargument Disposition:

Date:

Record Remitted:

PACMS Web Docket Sheet

Recent entries made in the appellate court filing offices may not be immediately reflected on web generated docket sheets.

Neither the Appellate Courts nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these web docket sheets.

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

TREVOR MATTIS,
Plaintiff

vs.

GEORGE PATRICK, et al
Defendants

*
*
*
*

NO. 06-1172-CD

ORDER

NOW, this 1st day of February, 2007, the Court having reviewed the Plaintiff's *pro se* Petition for the Appointment of a Judge, the above matter being on the undersigned's caseload, it is the ORDER of this Court that said Petition be and is hereby DENIED.

BY THE COURT,

/s/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

FEB 02 2007

Attest.

William A. [Signature]
Prothonotary/
Clerk of Courts



OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
PHONE: 814 / 765-2641
FAX: 814 / 765-7649

COURT ADMINISTRATOR

RONDA WISOR
DEPUTY COURT ADMINISTRATOR

December 18, 2006

Trevor Mattis, BH-3126
SCI - Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

Re: Mattis v. Patrick, et al
No. 06-1172-CD

Dear Mr. Mattis:

The Clearfield County Court of Common Pleas has received your "Petition for the Appointment of a Judge" which you apparently filed with the Commonwealth Court. Our computer system produces a docket sheet that says "No Judge" because no document has yet been filed which requires a judge to sign an order or issue a decision. As soon as any such document is filed your case will be assigned to one of our two judges. No one has denied you access to the Court. This process is standard procedure.

As to the lack of any response by the Defendants, we have no knowledge of their actions or inactions. One could wonder if each defendant was served with your original petition in conformity with the Rules of Civil Procedure. However, please note that we are not lawyers and can not give you legal advice.

Also be advised the Commonwealth Court has transferred the case to Clearfield County, so it is not appropriate for your to file any further documents with the appellate court. All documents should be filed directly with the Clearfield County Prothonotary using the above stated docket number.

Sincerely,

Ronda J. Wisor
Deputy Court Administrator

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

FILED
FEB 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

Attest.

Prothonotary/
Clerk of Courts

cc: Robert B. MacIntyre - Asst. Counsel
(w/ copy of petition)

*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 0590
DESTINATION ADDRESS 17177877427
PSWD/SUBADDRESS
DESTINATION ID
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Prothonotary
PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

**Clearfield County
Courthouse**

Fax

To: Valeria Strelsfeld

From: William A. Shaw

Fax: 717-787-7427

Date: June 20, 2007

Phone:

Pages: 4

Re: 2006-1172-CD

CC:

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

•Comments:

Valeria,

Copy of docket entries regarding the Mattis case.

WAS

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

**Clearfield County
Courthouse**

Fax

To: Valeria Streisfeld

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Date: June 20, 2007

Phone:

Pages: 4

Re: 2006-1172-CD

CC:

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

•Comments:

Valeria,

Copy of docket entries regarding the Mattis case.

WAS

Date: 06/20/2007

Time: 10:52 AM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BILLSHAW

Civil Other

Date		Judge
07/21/2006	New Case Filed.	No Judge
	Filing: Praeipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash)	No Judge
07/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction , it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter.	Fredric Joseph Ammerman
08/22/2006	Letter to Plaintiff, Case Stricken effective August 22, 2006.	No Judge
08/28/2006	Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge
08/31/2006	Order, filed NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies.	No Judge
09/15/2006	Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed.	No Judge
09/18/2006	Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order)	No Judge
12/13/2006	Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC	No Judge
	Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm. court)	No Judge
12/14/2006	Additional Matters, filed by Plaintiff No cert. copies. (duplicate additional matters received on 12/13/2006)	No Judge
12/19/2006	Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service.	No Judge
02/02/2007	Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2007 attached to Order)	Fredric Joseph Ammerman
02/12/2007	Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	Praeipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A	Fredric Joseph Ammerman
02/13/2007	Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre	Fredric Joseph Ammerman

Civil Other

Date		Judge
02/14/2007	Filing: Praeipce to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
03/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praeipce to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA	Fredric Joseph Ammerman
	Praeipce To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC	Fredric Joseph Ammerman
03/21/2007	Praeipce to Reinstate complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff	Fredric Joseph Ammerman
03/27/2007	Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
03/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement fo Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED.	Fredric Joseph Ammerman
04/04/2007	Pursuant to P.R.C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant.	Fredric Joseph Ammerman
04/09/2007	Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty.	Fredric Joseph Ammerman
04/12/2007	Response to Defendants' Preliminary Objections and Motion to Stay Discovery, filed by Plaintiff no cert. copies.	Fredric Joseph Ammerman
04/16/2007	Order, filed 1 Cert. to Atty. & 1 Cert. to Plaintiff. Now, this 10th day of April, 2007, RE: Motion to Stay Discovery, Hereby Ordered that Motion is Granted and discovery is Stayed.	Fredric Joseph Ammerman
	Received letter and "appeal to order denying plaintiff's petition for re-imbusement of filing fees" from Commonwealth Court. Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905.	Fredric Joseph Ammerman
	Order, NOW, this 16th day of April, 2007, it is Ordered: 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/09/2007	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty.	Fredric Joseph Ammerman
05/10/2007	Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC	Fredric Joseph Ammerman

Date: 06/20/2007

Time: 10:52 AM

Page 3 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BILLSHAW

Civil Other

Date		Judge
05/11/2007	Order, this 10th day of May, 2007, The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. it is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre; 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/18/2007	Praeipe to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
05/23/2007	Plaintiff's Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
05/25/2007	Addendum to Plaintiff's Response to the Defendant's Prelliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
06/08/2007	Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiffs Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre, 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
06/11/2007	Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman

Explanatory Comment—2001

The 2001 amendment to Subdivision (c) clarifies that the appeal period for appealing from orders in civil cases sustaining venue or personal or in rem jurisdiction runs from the date of the election under Pa.R.A.P. 311(b)(1), not the date of the original order. The 2000 amendment extends the appeal period following such an election from ten days to thirty days to conform the appeal period for civil orders changing venue pursuant to Pa.R.A.P. 311(c).

The portion of the Note suggesting the necessity of taking an appeal within the 20 day pleading period is misleading and is deleted. For this reason, the bracketed material of the Note is deleted.

Explanatory Comment—2002

See Comment following Pa.R.A.P., Rule 511.

Rule 904. Content of the Notice of Appeal

(a) **Form.** The notice of appeal shall be in substantially the following form:

COURT OF COMMON PLEAS
OF _____ COUNTY

A.B., Plaintiff:

v.

C.D., Defendant:

NOTICE OF APPEAL

Notice is hereby given that C.D., defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the ____ day of _____, 19____. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

(S) _____

(Address and telephone number)

(b) **Caption.** The parties shall be stated in the caption as they stood upon the record of the lower court at the time the appeal was taken.

(c) **Request for transcript.** The request for transcript contemplated by Rule 1911 (request for transcript) or a statement signed by counsel that there is either no verbatim record of the proceedings or the complete transcript has been lodged of record, shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) **Docket entry.** The notice of appeal shall include a statement that the order appealed from has been entered in the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) **Content in criminal cases.** When the Commonwealth takes an appeal pursuant to Rule 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

Note: The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. § 9101 et seq.

The 1986 amendment requires that the notice of appeal include a statement that the order appealed from has been entered in the docket. The 1986 amendment deletes the requirement that the appellant certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

The 1997 amendment changes the word "order" to "request" in order to eliminate any unintended implication that a court order is required. No court order is required to obtain a transcript of the proceedings. See Pa.R.J.A. 5000.5 and the 1997 amendment to subdivision (a) of Rule 1911.

With respect to subdivision (e), in *Commonwealth v. Dugger*, 506 Pa. 537, 486 A.2d 382 (1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, was eliminated. See also *Commonwealth v. Deans*, 530 Pa. 514, 610 A.2d 32 (1992); *Commonwealth v. Cohen*, 529 Pa. 552, 605 A.2d 1212 (1992) (allowing appeals by the Commonwealth from adverse rulings on motions in limine). Accordingly, the 1997 amendment added subdivision (e) as a requirement when the Commonwealth takes an appeal pursuant to Rule 311(d).

A party filing a cross appeal should identify it as a cross appeal in the notice of appeal to assure that the prothonotary will process the cross appeal with the initial appeal. See also Rules 2113, 2136 and 2185 regarding briefs in cross appeals and Rule 2322 regarding oral argument in multiple appeals. Adopted Nov. 5, 1975, effective July 1, 1976. Amended June 23, 1976, effective July 1, 1976; Dec. 11, 1978, effective Dec. 30, 1978; April 26, 1982, effective retroactive to July 15, 1981; Dec. 16, 1983, effective Jan. 1, 1984; Dec. 10, 1986, effective Jan. 31, 1987; July 7, 1997, effective in 60 days; Oct. 18, 2002, effective Dec. 2, 2002.

Explanatory Comment—2002

See Comment following Pa.R.A.P., Rule 511.

Rule 905. Filing of Notice of Appeal

(a) **Filing with clerk.** Two copies of the notice of appeal, the order for transcript, if any, and the proof of service required by Rule 906 (service of notice of appeal), shall be filed with the clerk of the trial court. If the appeal is to the Supreme Court, the jurisdictional statement required by Rule 909 shall also be filed with the clerk of the trial court. Upon receipt of the notice of appeal the clerk shall immediately stamp it with the date of receipt, and that date shall constitute the date when the appeal was taken, which date shall be shown on the docket. If a notice of appeal is mistakenly filed in an appellate court, or is otherwise filed in an incorrect office within the unified judicial system, the clerk shall immediately stamp it with the date of receipt

is required enables the to collect and tion pertaining- ived by the C.S. § 9101

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alth v. Dug- e Court held n order will ution is not rior Court's need for a ly necessarily s eliminated. 610 A.2d 32 15 A.2d 1212 from adverse 1997 amend- t when the Rule 311(d). it as a cross prothonotary al. See also cross appeals iple appeals. ended June ffective Dec. uly 15, 1981; 986, effective Oct. 18, 2002,

e notice of he proof of : notice of trial court. isdictional e filed with f the notice it with the te the date ll be shown akenly filed iled in an system, the e of receipt

and transmit it to the clerk of the court which entered the order appealed from, and upon payment of an additional filing fee the notice of appeal shall be deemed filed in the trial court on the date originally filed. A notice of appeal filed after the announcement of a determination but before the entry of an appealable order shall be treated as filed after such entry and on the day thereof.

(b) **Transmission to appellate court.** The clerk shall immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal showing the date of receipt, the related proof of service and a receipt showing collection of any docketing fee in the appellate court required under Subdivision (c). The clerk shall also transmit with such papers:

1. a copy of any order for transcript;
2. a copy of any verified statement, application or other document filed under Rule 551 through Rule 561 relating to in forma pauperis; and
3. if the appeal is to the Supreme Court, the jurisdictional statement required by Rule 909.

(c) **Fees.** The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27 (fees and costs in appellate courts and on appeal).

Note: Insofar as the clerk or prothonotary of the lower court is concerned, the notice of appeal is for all intents and purposes a writ in the nature of certiorari in the usual form issued out of the appellate court named therein and returnable thereto within the time prescribed by Chapter 19 (preparation and transmission of record and related matters).

As to number of copies, see note to Rule 124 (form of papers; number of copies). The appellate court portion of the filing fee will be transmitted pursuant to regulations adopted under 42 Pa.C.S. § 3502 (financial regulations).

Pending adoption of such rules the subject is regulated by Paragraph 4 of the Order amending this rule, which provides as follows:

"4. Pending adoption of initial regulations under 42 Pa.C.S. § 3502 (financial regulations), the docketing fee (currently \$12 in the Supreme Court and the Superior Court and \$25 in the Commonwealth Court) paid through the clerk or prothonotary of the lower court pursuant to Rule 905(c) (fees) of the Pennsylvania Rules of Appellate Procedure shall be transmitted as follows:

- (a) If the docketing fee is tendered by check payable to the appellate prothonotary, the clerk or prothonotary of the lower court shall transmit the check pursuant to Rule 905(b).
- (b) If the docketing fee is tendered by check payable to the clerk or prothonotary of the lower court he or she shall endorse it without recourse to the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).
- (c) If the docketing fee is tendered in cash the clerk or prothonotary of the lower court shall draw a check in like amount on the account of such clerk or prothonotary to

the order of the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).

(d) In matters arising under 42 Pa.C.S. § 723 (appeals from the Commonwealth Court), the appellant shall tender the docketing fee in the Supreme Court to the Prothonotary of the Commonwealth Court by check payable to the order of the Prothonotary of the Supreme Court, which shall be transmitted pursuant to Rule 905(b)."

The better practice will be to pay the fee for filing the notice of appeal in the lower court and the docketing fee in the appellate court by separate checks payable to the respective clerks or prothonotaries.

The 1982 amendment to Subdivision (a) corrects deficiencies in previous practice which were illustrated in *State Farm Mutual Auto. Ins. Co. v. Schultz*, Pa.Super., 421 A.2d 1224 (1980).

Adopted Nov. 5, 1975, effective July 1, 1976. Amended Dec. 11, 1978, effective Dec. 30, 1978; May 16, 1979, effective 120 days after June 2, 1979; April 26, 1982; Dec. 10, 1986, effective Jan. 31, 1987.

Explanatory Comment—1979

The appellate prothonotaries have reported that on numerous occasions an appeal is taken in the lower court, the appellant fails to docket the appeal, the appellee fails to move for dismissal under Rule 1971, and a record arrives in the appellate court without prior notice to the court. Hereafter a duplicate set of appeal papers will be filed in the lower court and the clerk of the lower court will collect the appellate docketing fee and notify the appellate prothonotary of the taking of an appeal by transmitting one copy of the appeal papers. The appeal will thus be self-docketing and Rule 1971 is rescinded as obsolete. Among other things, this procedure will facilitate the sua sponte dismissal of out of time appeals, since the appellate court will immediately know the date the appeal was taken. In order to permit the appellate prothonotary to contact the parties or counsel, a new requirement is added that copies of the proof of service be furnished to the clerk of the lower court at the time the appeal is filed. A related temporary provision governing the internal transmission of the docketing fee to the appellate prothonotary is included in the Order adopting the amendments.

Rule 906. Service of Notice of Appeal

(a) **General Rule.** Concurrently with the filing of the notice of appeal under Rule 905 (filing of notice of appeal), the appellant shall serve copies thereof, and of any order for transcript, and copies of a proof of service showing compliance with this rule, upon:

(1) All parties to the matter in the trial court, including parties previously dismissed pursuant to an interlocutory order unless; (i) the interlocutory order of dismissal was reviewed by an appellate court and affirmed; or (ii) the interlocutory order of dismissal was made final under Rule 341(c) and no party appealed from that date;

(2) The judge of the court below, whether or not the reasons for the order appealed from already appear of record;

Date: 07/06/2007

Time: 09:39 AM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
07/21/2006	New Case Filed.	No Judge
	(1) Filing: Praeipe to Proceed in Forma Pauperis Paid by: Mattis, Trevor (plaintiff) Receipt number: 1914805 Dated: 07/21/2006 Amount: \$.00 (Cash) 27	No Judge
07/27/2006	Order NOW, this 27th day of July 2006, upon this Court's review of the Plaintiff's Petition; the Court believing it does not have appropriate jurisdiction, it is the ORDER of this Court that the request to proceed in Forma Pauperis be and is hereby DENIED. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC plff w/IFP denied letter. 2	Fredric Joseph Ammerman
08/22/2006	(3) Letter to Plaintiff, Case Stricken effective August 22, 2006. 1	No Judge
08/28/2006	(4) Motion For Good Cause And Permission to Proceed, filed by s/ Trevor Mattis, Plff. No CC 2	No Judge
	Received a money order from Trevor Mattis August 28, 2006, in the amount of \$85.00. Holding until record received from Commonwealth Court and Order issued.	No Judge
08/31/2006	Order, filed	No Judge
	(5) NOW, this 14th day of 2006, Order from Commonwealth Court directing the Chief Clerk to certify a photocopy of the docket entries of matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County. no cert. copies. 2	
09/15/2006	(6) Contents of Original Record and Certificate of Contents from Commonwealth Court of PA, filed. 32	No Judge
09/18/2006	(7) Filing: Paid for filing of Motion for Good Cause Paid by: Mattis, Trevor (plaintiff) Receipt number: 1915588 Dated: 09/18/2006 Amount: \$85.00 (Money order) 4	No Judge
12/13/2006	(8) Petition for the Appointment of a Judge, filed by s/Trevor Mattis No CC 2	No Judge
	(9) Additional Matters, filed by Trevor Matthis-plff. NO CC. (received from Comm Court) 4	No Judge
12/14/2006	(10) Additional Matters, filed by Plaintiff 3	No Judge
	No cert. copies. (duplicate additional matters received on 12/13/2006)	
12/19/2006	(11) Request for Admissions, filed by Plaintiff. no cert. copies. Cert. of Service. 17	No Judge
02/02/2007	(12) Order, filed 1 Cert. to Plaintiff w/letter and 1 Cert. to Atty. MacIntyre w/letter NOW, this 1st day of February, 2007, RE: Petition for Appointment of a Judge, ORDER of this Court that Petition is Denied. (Letter dated December 18, 2007 attached to Order) 2	Fredric Joseph Ammerman
02/12/2007	(13) Defendants' Preliminary Objections to Plaintiff's Complaint, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty. 5	Fredric Joseph Ammerman
	(14) Praeipe For Entry of Appearance, filed on behalf of the Defendants, by s/ Robert B. MacIntyre, Esquire. 1CC Atty., copy to C/A 2	Fredric Joseph Ammerman
02/13/2007	(15) Order, NOW, this 12th day of Feb., 2007, Plaintiff's Complaint is Dismissed. Plaintiff is directed to properly serve the Complaint on Defendants within 30 days of the date of this Order. In the event that Plaintiff does properly serve the Defendants with his Complaint, Defendants must file any additional Preliminary Objections within 30 days of service. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre 1	Fredric Joseph Ammerman

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Date: 07/06/2007

Time: 09:39 AM

Page 2 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

User: HUDSON

Civil Other

Date		Judge
02/14/2007	⁽¹⁶⁾ Filing: Praeipce to Reinstate Complaint Paid by: State Correctional Institution Receipt number: 1917639 Dated: 02/14/2007 Amount: \$7.00 (Check) No Cert. Copies. Issued 1 Reinstated Complaint to Plaintiff. 1	Fredric Joseph Ammerman
03/15/2007	Order, NOW, this 14th day of March, 2007, following receipt and review of the Defendant's pro se Praeipce to Proceed In Forma Pauperis, it is the Order of this Court that the Defendant's request to Proceed In Forma Pauperis is Granted. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Plff - BH 3126, PO Box 1000, SCI Houtzdale, Houtzdale PA 1	Fredric Joseph Ammerman
	⁽¹⁷⁾ Praeipce To Proceed In Forma Pauperis, filed by s/ Trevor Mattis (Pro-Se). No CC 5	Fredric Joseph Ammerman
03/21/2007	⁽¹⁸⁾ Praeipce to Reinstate complaint, filed by Plaintiff. no cert. copies. Issued reinstated complaint dated 3-21-07 to Plaintiff 1	Fredric Joseph Ammerman
03/27/2007	⁽¹⁹⁾ Petition for Reimbursement of Filing Fees, filed by Plaintiff no cert. copies. 1	Fredric Joseph Ammerman
03/28/2007	Order, filed 1 Cert. to Plaintiff NOW, this 28th day of March, 2007, RE: Petition for Reimbursement for Filing Fees, ORDER of this Court that said Petition be and is hereby DENIED. 1	Fredric Joseph Ammerman
04/04/2007	⁽²⁰⁾ Pursuant to P.R.C.P Rule 2252 to join Ms. Nancy Smith as an additional defendant. 3	Fredric Joseph Ammerman
04/09/2007	⁽²¹⁾ Defendants' Motion to Stay Discovery, filed by s/ Robert B. MacIntyre, Esquire. 1CC Atty. 5	Fredric Joseph Ammerman
04/12/2007	⁽²²⁾ Response to Defendants' Preliminary Objections and Motion to Stay Discovery, filed by Plaintiff no cert. copies. 3	Fredric Joseph Ammerman
04/16/2007	Order, filed 1 Cert. to Atty. & 1 Cert. to Plaintiff. Now, this 10th day of April, 2007, RE: Motion to Stay Discovery, Hereby Ordered that Motion is Granted and discovery is Stayed. Received letter and "appeal to order denying plaintiff's petition for re-imbursement of filing fees" from Commonwealth Court. 8	Fredric Joseph Ammerman
	⁽²³⁾ Sent copy of letter from Commonwealth Court to Plaintiff requesting to file appeal in accordance with Rule 905. Order, NOW, this 16th day of April, 2007, it is Ordered: 1	Fredric Joseph Ammerman
	⁽²⁴⁾ 1. The two page document filed April 4, 2007 by the Plaintiff is Dismissed. Nancy Smith has not been joined as an "additional defendant". 2. Relative the Defendant's Preliminary Objections to Plaintiff's Complaint filed on Feb. 12, 2007, Ordered that the Preliminary Objections will be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contained within the Preliminary Objections with the same to be received by the Court Administrator by no later than 20 days from this date. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1 CC Atty. MacIntyre; 1CC Plff. - BH 3126, SCI Houtzdale 1	Fredric Joseph Ammerman
05/09/2007	⁽²⁵⁾ Defendant's Preliminary Objections to Plaintiff's Complaint, filed by Atty. MacIntyre 3 Cert. to Atty. 20	Fredric Joseph Ammerman
05/10/2007	⁽²⁶⁾ Motion For Production of Documents And Things, filed by Trevor Mattis (pro-se). No CC 3	Fredric Joseph Ammerman

✓

Date: 07/06/2007

Time: 09:39 AM

Page 3 of 3

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2006-01172-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date	Judge
05/11/2007 (29) Order, this 10th day of May, 2007, The Order of April 16, 2007 should have referenced the Preliminary Objections filed on May 9, 2007. it is Ordered that the Preliminary Objections filed on May 9, 2007 be decided without oral argument. Both parties are directed to submit an appropriate brief to the Court relative the issues contined within the Preliminary Objections. The Briefs should be received by the Court Administrator within no later than 20 days from this date. The Motion for Production of Documents and Things is Dismissed. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Macintyre; 1CC Def. - BH 3126, SCI Houtzdale	Fredric Joseph Ammerman
05/18/2007 (30) Praeipce to Reinstate Complaint, filed. Issued reinstated Complaint to Plaintiff.	Fredric Joseph Ammerman
05/23/2007 (31) Plaintiff's Response to The Defendant's Preliminary Objections, filed by s/ Trevor Mattis, Plaintiff, Pro-Se. No CC	Fredric Joseph Ammerman
05/25/2007 (32) Addendum to Plaintiff's Response to the Defendant's Preliminary Objections, filed by T. Mattis no cert. copies.	Fredric Joseph Ammerman
06/08/2007 (33) Opinion and Order: NOW, this 8th day of June, 2007, consistent with the Court's Opinion, it is Ordered that the Defendants' Preliminary Objections are Granted. The Plaintiff's Complaint is Dismissed, with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Plff - SCI Houtzdale, 2CC Atty. MacIntyre, 1CC D. Mikesell, Law Library, without memo	Fredric Joseph Ammerman
06/11/2007 (34) Notice of Removal, Respectfully submitted, Thomas W. Corbett, Jr., Attorney General. By: s/ Douglas B. Barbour, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section. No CC	Fredric Joseph Ammerman
06/20/2007 (35) Objections to Notice of Removal, filed by Plaintiff. no cert. copies.	Fredric Joseph Ammerman
06/21/2007 (36) Notice of Appeal, filed by Trevor Mattis 1 Cert. copy to Commonwealth Court.	Fredric Joseph Ammerman
(37) Request to Continue In Forma Pauperis Status on Appeal, filed by Plaintiff 1 Cert. to Commonwealth Court.	Fredric Joseph Ammerman
(38) Certificate of Service, filed by Plaintiff Copy of the enclosed motion mail to Robert MacIntyre on June 14, 2007 no cert. copies.	Fredric Joseph Ammerman
06/25/2007 (39) Order, this 25th day of June, 2007, the Court having received and reviewed the Plaintiff's pro se Request to Continue in forma pauperis Status on Appeal filed June 21, 2007, it is Ordered that the Plaintiff's pro se request is Granted for purposes of his appeal to the Commonwealth Court. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff, 1CC Comm. Crt	Fredric Joseph Ammerman
06/28/2007 (40) Order, United States District Court For The Western District of Pennsylvania, Defendants removed this matter, originally filed at 2006-1172-CD in the Court of Common Pleas of Clearfield County, to this Court. Defendants have discovered, inter alia, that their notice of removal was untimely and now move to strike their notice of removal. docket no. 4. The motion is granted, and this matter is remanded to the Court of Common Pleas of Clfd. Co. The Clerk shall mark this matter closed. /s/ Keith A. Pesto, United States Magistrate Judge.	No Judge
07/05/2007 (41) Commonwealth Court of Pennsylvania, Notice of Docketing Appeal, filed. Commonwealth Court Number 1164 CD 2007.	Fredric Joseph Ammerman