

08-616-CD
Eric Riddick vs Dept of Correction

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

ERIC RIDDICK,
PLAINTIFF

NO: 08-6116-CD

VS.

DEPARTMENT OF CORRECTION (D.O.C)
G. PATRICK
R. BRITTON
R HENRY
DUGAN
D. CHENCARICK
REV. ULI KLEM
DEFENDANT

COMPLAINT FOR:
VIOLATIONS OF FIRST AND
FOURTREENTH AMENDMENT
RIGHTS AND R.L.U.I.P.A.
(RELIGIOUS LAND USE
INSTITUTIONALIZED PERSON
ACT).

PRAECIPE TO PROCEED IN FORMA PAUPERIS

TO THE OFFICE OF THE PROTHONOTARY:

KINDLY ALLOW ERIC RIDDICK, A PRO SE PLAINTIFF, TO
PROCEED IN FORMA PAUPERIS. I HAVE ATTACHED AN AFFIDAVIT
HERETO IN SUPPORT.

DATE: 3/09/08

Eric Riddick
ERIC RIDDICK BV-9474
P.O. BOX 1000
Houtzdale Pa. 16698

FILED NO
m 13:32 PM
APR 13 2008
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

ERIC RIDDICK,
PLAINTIFF

VS.

DEPARTMENT OF CORRECTION (D.O.C.)

G. PATRICK
R. BRITTON
R. HENRY
CHAPLAIN DUGAN
D. CHENCHARICK
REV ULLI KLEM

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 significant 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: Eric Riddick, BV-9474
Address: S.C.I. Houtzdale
P.O. BOX 1000
Houtzdale Pa. 16698-1000
Social security No: 182 64 1965
- (b) If you are presently employed state:
Employer: S.C.I. Houtzdale
Address: S.C.I. Houtzdale
Salary or wage: \$15.00 to \$25.00 per month
Type of work: Housing unit cleaner
- (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 benefits: None
Workman's compensation: None
Public Assistance: None
Other: None

(d) **Property owned:** None
Cash: None
Checking account: None
Certificates of deposit: None
Real estate (including home): None
Motor vehicle: None
Stocks or bonds: None

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

I VERIFY THAT THE STATEMENT MADE IN THIS AFFIDAVIT ARE
TRUE AND CORRECT. I UNDERSTAND THAT FALSE STATEMENTS HEREIN
ARE MADE SUBJECT TO PENALTIES OF PERJURY UNDER TITLE 18
P.S. 4909

Date: 3-29-08

RESPECTFULLY SUBMITTED,

/s/ 
ERIC RIDDICK-BV-9474

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

ERIC RIDDICK,
Plaintiff

vs.

DEPARTMENT OF CORRECTION, G. PATRICK,
R. BRITTON, R. HENRY, DUGAN, D. CHENCARICK,
REV. ULLI KELM,
Defendants

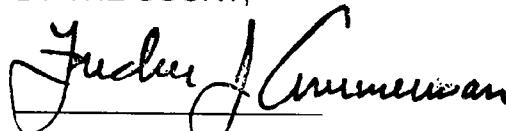
NO. 08-*614*-CD

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O R D E R

NOW, this 3rd day of April, 2008, the Court having received and reviewed the Plaintiff's Petition to Proceed *in forma pauperis* filed April 3, 2008, it is the ORDER of this Court that the Petition for Leave to Proceed *in forma pauperis* be and is hereby GRANTED for purposes of the Plaintiff's Civil Complaint.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 3CC
M/3/2008 Pff

CLERK OF COURT
CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY PENNSYLVANIA

ERIC RIDDICK,

PLAINTIFF

NO: 08-1616-CD

VS.

DEPARTMENT OF CORRECTION (D.O.C.)
G. PATRICK (SUPERINTENDENT--S.C.I. HOUTZ)
R. BRITTON (DEPUTY SUPERINTENDENT)
R. HENRY (CHAPLAIN)
CHAPLAIN DUGAN
D. CHENCHARICK (GRIEVANCE COORDINATOR)
REV. ULLI KLEM (HEAD CHAPLAIN,)

COMPLAINT FOR:
VIOLATIONS OF THE
FIRST AND FOURTEENTH
AMENDMENT, AND THE
R.L.U.I.P.A. (RELIGIOUS
LAND USE INSTITUTIONALIZED
PERSON ACT).

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 20 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 defense 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 can not 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
CAMPBELL PA. 17001-0598

03/30/84 8CC
Diff
55

Eric Riddick BV-9474, pro-se plaintiff alleges:

1 I, Eric Riddick BV-9474, 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 or 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, PO Box 598, CampHill Pa 17001-0598

3 Defendant, DOC, was through the period August 2004 to September 2007, through its subordinates providing custody and care of plaintiff

4 Defendants, G Patrick, R Britton, R Henry, Chaplain Dogun, D Chencharick, U Klem, have an office to receive this complaint and notice to defend at 55 Utility Dr, PO Box 598, Camp Hill Pa 17001-0598

5 All named defendants between the period August 2004 to September 2007 acted individually or collectively, or in the alternate and may be liable accordingly.

6 Plaintiff has been denied his First Amendment right to freely practice his religious faith as a member of the Nation of Islam.

7 On or around July-August 2006 plaintiff filed a DC-52 Inmate Religious Accommodation Request requesting that his Nation of Islam

faith be recognized and religious services accommodated at SCI-Houtzdale

8 Plaintiff never received a response to this request

9 Plaintiff had ongoing discussions with R Henry, Chaplain Dogun and R Britton about religious services and accommodations being made for the Nation of Islam

10 Plaintiff kept getting the run around while he noticed religious accommodations being made for other religious groups, namely, the Buddhists, Native Americans, and Rastafarians

11 Plaintiff filed a grievance on 2-17-07 See Exhibit A

12 The grievance was denied on the grounds that plaintiff's July 2006 Religious Accommodation Request was still pending See Exhibit B

13 Plaintiff appealed this decision to the second level Superintendent Patrick See Exhibit C

14 This appeal was denied on the grounds that plaintiff's Religious Accommodation Request was still pending in the Religious Accommodation Review Committee. See Exhibit D

15 Plaintiff appealed this decision to the third and final level See Exhibit E

16 This appeal was denied on the grounds that plaintiff's Religious Accommodation Request was still pending See Exhibit F

17 In July 2007 plaintiff wrote to the Religious Review Committee in regards to the status of his Religious Accommodation Request submitted in July 2006

18 Plaintiff's letter was never answered

19 DOC policy DC-ADM 819 section G, paragraph 2 a-h states that a

request for religious accommodation must be decided upon within 80 days

20 Plaintiff filed his request over 13 months ago. The DOC has procedurally defaulted on this request and waived any right to contest plaintiff's allegation of a violation of his First and Fourteenth Amendment rights

21 The Department of Corrections has long since recognized the Nation of Islam faith group. See Allah v Al-Hafeez 208 F.Supp2d 520 (2002). Therefore there is no excuse for SCI-Houtzdale's to put plaintiff's right to freely practice his religion in limbo for 13 months under the guise of a pending decision by the Accommodation Review Committee. This is a canard. The defendants' are prejudiced against the Nation of Islam.

COUNT ONE

22 Plaintiff re-alleges and incorporates by reference paragraphs 1-21 as though the same was fully set forth herein at length

23 Plaintiff avers that the actions or inactions of G Patrick, Britton, Henry, Dogun, Chencharick, and U Klem violated his First and Fourteenth Amendment rights; violated Pa. Const Art 1 §§ 1 and 26; violated the Religious and Land Institutionalized Persons Act

24 The above incident is alleged to have taken place between August 2006 and September 2007

FIRST CAUSE OF ACTION

25 Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1-21 Plaintiff alleges defendants Patrick Britton, Henry, Dogun, Chencharick, and U Klem violated his First Amendment Rights

SECOND CAUSE OF ACTION

26 Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1-21 Plaintiff alleges defendants Patrick, Britton, Henry, Dogun, Chencharick, and U Klem violated his Fourteenth Amendment Rights

THIRD CAUSE OF ACTION

27 Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1-21 Plaintiff alleges defendants Patrick, Britton, Henry, Dogun, Chencharick, and U Klem violated the Religious and Land Institutionalized Persons Act

RELIEF REQUESTED

28 Wherefore plaintiff requests this honorable Court to:

A Set this case down for trial by Jury
B Plaintiff prays for judgement against the defendants as follows:

29 On the First Cause of Action

- a) For nominal damages in the sum of \$10 00
- b) For compensatory damages in the sum of \$1,000 00
- c) For punitive damages in the sum of \$100,000 00
- d) For any other relief the court deems fit

30 On the Second Cause of Action

- a) For nominal damages in the sum of \$10 00
- b) For compensatory damages in the sum of \$1,000 00
- c) For punitive damages in the sum of \$100,000 00
- d) For any other relief the court deems fit

31 On the Third Cause of Action

- a) For nominal damages in the sum of \$10 00

- b) For compensatory damages in the sum of \$1,000 00
- c) For punitive damages in the sum of \$100,000 00
- d) For any other relief the Court deems fit

32. Plaintiff also request that the Honorable Court compel defendants to fully accommodate plaintiff with the necessary religious accommodations that is required to effectuate plaintiff's free religious expression and spiritual cultivation, i.e. an administratively approved religious area to worship; Religious call out (at lease weekly); Religious material; administrative respect, encouragement and professionalism; Religious latitude to observe Holy days, fast etc, and all other aspects of Constitutional Due Process and Equal Protections that is due.

33. At all times in question and material to this complaint, the defendants in the 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: Eric Biddick

EXECUTED ON THIS 29th DAY OF MARCH 2008

DC-804
Part 1

EXHIBIT 'A'

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

FOR OFFICIAL USE ONLY
179099
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR MS. CHEL CHARICK	FACILITY: SCI-Hou	DATE: 2-17-07
FROM: (INMATE NAME & NUMBER) ERIC RIDDICK - BV-9474	SIGNATURE OF INMATE: Eric Riddick	
WORK ASSIGNMENT: 11	HOUSING ASSIGNMENT EA-07	RECEIVED SUPT'S ASST OFF
INSTRUCTIONS: <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 date, the person you contacted, and the outcome. 		FEB 20 2007 SCI - HOUTZDALE PO BOX 1000 HOUTZDALE, PA
<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>This is my third attempt to file this grievance. The other times I attempted to file this grievance, I was told by the grievance coordinator that I couldn't file the grievance until a response from central office came back on the religious accommodation forms that was submitted which was in July/August of 2006. Unfortunately, no response to the religious accommodation forms have come back yet and my suffering and stress from not having the religious accommodations that the highest courts in America ruled that I must be granted, is becoming unbearable. Thus, I must move forward with this grievance so that if necessary, I can exhaust my administrative remedies so that if necessary, I can litigate this issue in a higher court. PLEASE PROCESS THIS GRIEVANCE.</p> <p>I am submitting this grievance against S.C.I. Houtzdale/The D.O.C. for clearly and consciously (with deliberate indifference & actual malice) violating my 1st and 14th amendments as well as the laws established in the highest courts in America including but not limited to the R.P.A. (RELIGIOUS PRACTICE ACT) & R.L.U.I.P.A. (RELIGIOUS LAND USE INSTITUTIONALIZE PERSON ACT). Upon my arrival here at S.C.I. Houtzdale in August of 2004, I informed the staff that my religion is Islam as specifically taught by the Honorable Elijah Muhammad (The Nation Of Islam) and I do desire to "peacefully" practice my religion with full Constitutional administrative religious accommodations, just as other inmates are legally granted here at S.C.I. Houtzdale. Since then, I have pleaded with Houtzdale Staff to please abide by the FAIRNESS of LAW that demands that the S.C.I.'s & DOE'S accommodate ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE BY THE FAIRNESS OF LAW THAT DEMANDS THAT THE S.C.I.'s & DOE'S ACCOMMODATE ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE BY THE FAIRNESS OF LAW THAT DEMANDS THAT THE S.C.I.'s & DOE'S ACCOMMODATE ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE BY THE FAIRNESS OF LAW THAT DEMANDS THAT THE S.C.I.'s & DOE'S ACCOMMODATE ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE BY THE FAIRNESS OF LAW THAT DEMANDS THAT THE S.C.I.'s & DOE'S ACCOMMODATE ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE BY THE FAIRNESS OF LAW THAT DEMANDS THAT THE S.C.I.'s & DOE'S ACCOMMODATE ISLAMIC RELIGIOUS PRACTICE INSTITUTIONALIZE PERSON ACT REQUIREMENT STAFF TO ABIDE 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Your grievance has been received and will be processed in accordance with DC-ADM 804.

Doris Chenchwick

Signature of Facility Grievance Coordinator

2/29/07

Date

D.O.C. acknowledge, respect and fully accommodate the inmates who seek to peacefully worship in the religious congregation of the Nation Of Islam. In accordance with D.O.C. policy, I have submitted religious accommodation forms on two occasions. The first form (Submitted sometime at the end of 2004) was never officially addressed or acknowledged. The second form was submitted in july/august of 2006 which have been acknowledged. I have yet to be accommodated. The head chaplain (Mr. Dugan) have spoken to myself as well as other inmates who worship in the spiritual congregation of the Nation Of Islam and who have also submitted religious accommodation forms and He (Chaplain Dugan) has informed us that he have told the Houtzdale administration that the highest courts have ruled multiple times in this matter in favor of inmates who religiously worship in the Nation of Islam and that in fact he (Chaplain Dugan) himself was including in a law suit at S.C.I.Albion were the courts "Re-affirmed that the Nation of Islam "IS" a legitimate and "WELL" established separate religion That is fully protected by constitutional law and "MUST BE FULLY ACCOMMODATED. Yet, S.C.I.Houtzdale continue to deny myself as well as other's the opportunity to peacefully practice my/our religion in a safe secure and administratively approved area as other inmates who worship in other religions are being provided. The will show that I have even pleaded with Houtzdale staff to please at lease activate some sort of temporary religious worship call out for myself and the other inmates who worship in the Nation Of Islam until the response come back for the accommodation forms. I was once again unconstitutionally denied—totally disregarding my constitutional religious rights. NOTE: I am filing this grievance as a very last resort and after patiently waiting over ~~six~~ (6) month for a response from the accommodation forms. I have been told by houtzdale staff that if I wanted to worship, go to Orthodox sunni services. This is clear discrimination and religious profiling . S.C.I.Houtzdale know that if the inmates who worship in the Nation of Islam would attempt to go to Sunni service and try to worship/religiously study in the specific manner that is practiced in the Nation of Islam we would be putting ourselves in serious danger. I am spiritually taught in the Nation Of Islam that ALLAH (GOD) IS MAN AND MAN IS GOD and that ALLAH CAME IN THE PERSON OF A MAN NAME MASTER FARD MUHAMMAD. Sunni Muslims firmly believe that the above is the worst sin one could commit. Also, S.C.I. Houtzdale does not make Baptice inmates worship at Catholic service nor do they make Jehovah witnesses worship at Jewish services. This is a direct violation of the equal protection clause of the 14th amendment. I am suffering because of this blatant unconstitutional deprivation of my religious right to be religiously accommodated. Without the religious ~~accordance~~ that the law compels S.C.I.Houtzdale to provide to me, I am unable to cultivate my spirituality and rehabilitate myself properly and the negativity that is stenciled in the fabric of prison life is seeking to influence me. my religion is what keeps me away from the negativity. The record will show that since I have been going through this injustice (Religious deprivation) I have been put on three different kinds of blood pressure medications because of stress.

Because of these clear and continual violations by S.C.I.Houtzdale/D.O.C., I am seeking full compensation. \$100.000 (one hundred thousand dollars) for violating my first amendment. \$100.000 (one hundred thousand dollars) for violating my 14th amendment. \$100.000 for pain and suffering/stress. And five thousand dollars for every day that I have been religiously deprived. I ask that the abundance of law (federal as well as state) compel the D.O.C./Houtzdale to legally accommodate myself and others in the religious congregation of the Nation of Islam , with the necessary time, space, materials, support, respect and encouragement that is needed to practice the religious principles of the Nation of Islam. I ask to be interviewed on this issue and I ask for an injunction to prevent any further discrimination and/or retaliation (COVERT OR OVERT) against me for seeking my constitutional rights. I thank you in advance. Below is some guiding law on this issue: U.S. Const. 1st and 14th. PA. Const. Art 1.Sec. 3, 20 26. ~~Religious freedom restoration act of 1993~~ 42 U.S.C. sec 2000bb. Religious land use and institutionalized person act, 42 U.S.C. sec 2000cc. Allah vs. Mendi—cutter vs. Wilkinson and much more.

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSECOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

GRIEVANCE NO.

179099

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Eric Riddick, BV9474	SCI-Houtzdale	EA-07	02/17/07

The following is a summary of my findings regarding your grievance:

Riddick is grieving his Religious Accommodations Request was submitted last July/August 2006. To date, he has not received a final decision. He states that the result of this 'blatant unconstitutional deprivation' of his religious right has caused him to be put on three different kinds of blood pressure medications because of stress. He is seeking monetary damages for violations/deprivation of his rights and related pain and suffering/stress.

Riddick is correct in that a final decision has not been made to approve or disapprove his religious accommodation request. His accommodation request is currently still under review and pending final decision by the Religious Accommodation Review Committee.

DC-ADM 819 states, "If an inmate is informed by the FCPD that the request will not be accommodated, the inmate may then file a grievance in accordance with Department policy DC-ADM 804, "Inmate Grievances." Grievances may only be submitted after the inmate has received notification of the decision on the requested accommodation." Because a final decision is still pending, no violation or denial of his rights has yet occurred.

Riddick is directed to sign up for sick call if he is experiencing stress and problems with his blood pressure.

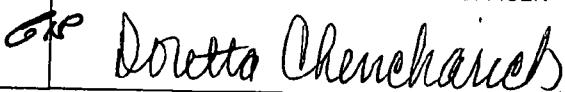
This grievance and Riddick's request for monetary damages are denied since a final decision to his religious accommodation is still pending.

DKC

C: Superintendent
Superintendent's Assistant
Deputies
Majors
Ms. Younkin
Mr. Hartnett
Chaplain Dogun
DC-15
File

Print Name and Title of Grievance Officer
Doreta Chencharick
 Superintendent's Assistant

SIGNATURE OF GRIEVANCE OFFICER



DATE

02/23/07

Exhibit 'C'

TO: Houtzdale Superintendent Patrick

ER: MR: Eric Riddick #BV-9474
EA-07

DT: 2/25/07

RE: Eric Riddick VS. S.C.I. Houtzdale/D.O.C.
Grievance No. 179099

The following is an appeal to Superintendent Patrick in opposition to the adverse decision, dated 2/23/07, given by the Grievance coordinator, Ms. Doretta Chencharick. Ms. Chencharick's rational for denying my grievance did not address the base issue of my indignation. The issue that I grieve is not an issue that can be put on hold, especially when the issue at hand (Freedom of Religious exercise for inmates that is in the Religious congregation of the Nation Of Islam) have, on multiple occasions been ruled upon by the Highest Courts in America.

As I stated in my grievance, I and many other inmates have submitted Religious Accommodation forms over 8 month ago, and still haven't heard nothing back regarding being Religious accommodated as the law compels. D.O.C./S.C.I. policy is rooted on already established law that is specifically designed to regulate D.O.C./S.C.I. policy. These law are established so that administrative rogue policies will not prevail and trample on the rights of inmates. This is clear on the issue of the religious legitimacy of the Nation Of Islam! The perpetual hindrance by S.C.I. Houtzdale/D.O.C. of my religious freedom to worship with equal protections and full accommodation is nothing less than an assault on my constitutional rights (first and fourteenth amendment) and thus an assault on me! I am perpetually suffering every day that I am not able to worship according to my religion in the religious congregation of the Nation Of Islam.

Note: The record will show that the Nation Of Islam is NOT A NEW RELIGION—and the fact that it has been over 8 month with no response on the religious accommodation forms appears to be just another attempt to systematically and unconstitutionally circumvent the Due Process of legally accommodating myself and the other inmates who are seeking to practice our religion in a safe and secure area as other religions are granted. The arbitrary illegal religious deprivation by S.C.I. HOUTZDALE/D.O.C. is causing a unnecessary substantial burden and hardship for me that in turn has elevated my Blood pressure to the point that I am now on three different types of blood pressure medicine. In hindering my ability to worship properly, I am being nefariously stripped of my ability to maintain—for it is my religion that keeps me sane and strong under the pressures and negativity that comes with prison life. I do seek the full compensation that is in my grievance date 2/17/07. I respectfully plead with you Mr. Patrick, Please redress me from this uncivilized tyrannical dictator style practice of religious deprivation that I face. Mr. Patrick, as far as what I have witness since I've been here, you have appeared to be a professional and rational Superintendent. I ask you, as the head of this institution, correct this constitutional violations. I thank you in advance.

cc: file

1a/ Eric Riddick
Eric Riddick

Exhibit 'D'

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Houtzdale
Office of the Superintendent
March 12, 2007

SUBJECT: Appeal of Grievance #179099

TO: Eric Riddick, BV9474
EA-07

FROM: George N. Patrick
Superintendent

I have reviewed this appeal, the initial grievance, and the response provided by Ms. Chencharick, Facility Grievance Coordinator.

I find the response provided to the appellant's initial grievance by the Facility Grievance Coordinator to be appropriate. I would reiterate that facility staff cannot overrule the DOC's timetable in processing the appellant's religious accommodation request. The request is still under review and pending final decision by the Religious Accommodation Review Committee. No constitutional violations have been inflicted on the appellant nor has he been injured as a result of the normal application of DOC policy for religious accommodation requests. Therefore, he is entitled to no monetary damages and is accordingly denied.

Uphold Initial Response.

GNP:mlb

c: Deputy Britton
Deputy Cameron
Major Kessling
Major Close
Ms. Chencharick
Ms. Younkin
Mr. Hartnett
Chaplain Dogun
Case Record
file

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

Exhibit E

Eric Riddick
Inst.# BV-9474
P.O. Box 1000
Houtzdale, PA. 16698-1000

March 16, 2007

Chief Secretary's Office
Inmate Grievance & Appeal
Department of Corrections
2520 Lisburn Road, P.O. Box 598
Camp Hill, Pa. 17001-0598

Re: FINAL APPEAL OF GRIEVANCE NO. 179099

Dear Chief Secretary:

In the face of load of well established and legally clear state and federal law, Superintendent, George N. Patrick, upheld the the initial response from the facility Grievance Coordinator, Ms. Chencharick in the above captioned grievance, whereas Ms. Chencharick denied moving to rectify the constitutional violations that I brought forth in the above caption grievance (No. #179099).

I am a religious adherent in the Well establish religious congregation of the Nation Of Islam. The Nation Of Islam have been confired to be a legitimate, constitutionally protected Seperate religion that must be accommodated. This confirmation comes from the Highest courts in America. There is plenty of case law that is available to the staff at S.C.I. Houtzdale/D.O.C. that would guide their policy in dealing with the LEGAL requirements when dealing with the Religious Congregation of the Nation Of Islam. Yet, in a clear state of insubordination towards constitutional law, S.C.I. Houtzdale/D.O.C. continue to Deny me (as well the many other inmates that worship in the Nation Of Islam) the religious accommodations that the law compels. Upon review of the record, you will see that I have myself provide S.C.I. Houtzdale with some case law and statues that prison policy must stand upon when dealing with religious issues.

In the adverse response from the Superintendent, he stated that the Ms. Chencharick's denial of my request for redress from the illegal administrative religious deprivation were appropriate and that I have suffered NO injury. This is clearly insubordination towards the Honorable Courts that regulate D.O.C./S.C.I. policy. In fact, the record will show that the head chaplain (Mr. Dugan) have been apart of a law suit at S.C.I. Albion that dealt with this same issue (Religious services and accommodations) in which the courts ruled, once again in favor of the religious right to be fully accommodate of the Nation Of Islam. Also, the courts have stated that any time a persons constitutional rights are unconstitutionally trampled upon, that person is being injured.

These turn of events have created a "substantial burden". The courts (Federal & State) prohibit state

D.O.C. from imposing any "substantial burden" on prisoners "religious exercise even if the burden results from a rule of general applicability"--42 U.S.C. § 2000 cc-1 (a) ("[A] substantial burden can result from pressure that tends to force adherents to forgo religious precepts or from pressure that mandates religious conducts"). Midraah Sephardi, Inc. v. Town of Sursides, 366 F.3d 1214 (11th Cir. 2004)

Furthermore, Nation Of Islam Rights for religious exercise is Guided by (RLUIPA) Religious and Land Institutionalized Person Act; cemented by the U.S. Supreme Court--the Supreme Law of the Land-in: Cutter Vs. Wilkinson, Oct. Term 2004 No. 03-9977, The unanimous Court said: "prison officials violated § 3 by failing to accommodate petitioners' exercise of their "nonmainstream" religions in a variety of ways... The Act Defines "religious exercise" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief. Whether from indifference, ignorance, bigotry, lack of resources, some institutions restrict religious liberties in egregious and unnecessary ways.

As far as the Superintendent stating that he cannot overrule the D.O.C.'s time table in processing my Religious accommodation form that I and many other Inmates who is peacefully seeking religious accommodations---even that statement is not rooted in facts. I have requested from Houtzdale Library, a copy of the policy that includes the timetable that guide the D.O.C. regarding the timetable of responding to religious accommodation forms submitted by inmates. That policy (DC-ADM 819, Religious activities policy [ACCOMMODATINS] sec G. §2, a-h) details the timetable that the D.O.C. has to follow and it give them 80 days at the most to respond to the inmate. I have been waiting for a response for over 200 days. Also, as stated in my initial grievances, I am suffering each day that I am being deprived of the right to worship with full administrative accommodation, just as other inmates who worship in the many other religious congregation are provided here at S.C.I.houtzdale.

In closing, I do seek all of the compensation that I requested in my initial grievance date 2-17-07 and I ask that an preliminary injunction be granted at lease until this issue is resolved and a temporary Religious call out for the religious Congregation of the Nation of Islam. I ask that I be protected from any covert or overt retaliation form S.C.I.houtzdale/D.O.C. such as retaliatory misconducts, assaults, sudden transfer etc.

cc.file

/s/ Eric Boddie

PROOF OF SERVICE

I, HEREBY, THAT I AM, THIS DAY, SERVICING THE FOLLOWING CIVIL ACTION UPON THE FOLLOWING PARTIES:

TO: DEPARTMENT OF CORRECTION (D.O.C.)
G. PATRICK (FORMER SUPERINTENDENT)
R. BRITTON (CURRENT SUPERINTENDENT)
R. HENRY (CHAPLAIN)
DUGAN (CHAPLAIN)
D. CHENCHARICK (GRIEVANCE COORDINATOR)
REV. ULLI KLEM

DATE: 3-09-08

RESPECTFULLY SUBMITTED

1st Eric Riddick
ERIC RIDICK BV-9474
P.O. BOX 1000
Houtzdale Pa. 16698

FILED

APR 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104055
NO: 08-616-CD
SERVICE # 1 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) a1

SHERIFF RETURN

NOW, April 22, 2008 AT 9:57 AM SERVED THE WITHIN COMPLAINT ON FORMER SUPERINTENDENT G. PATRICK DEFENDANT AT P.O. BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO D. CHENCHARICK, ADM. ASST. TO SUPERVISOR A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED

03:30 CM

JUL 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104055
NO. 08-616-CD
SERVICE # 2 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) al

SHERIFF RETURN

NOW, April 22, 2008 AT 9:57 AM SERVED THE WITHIN COMPLAINT ON CURRENT SUPERINTENDENT R. BRITTON DEFENDANT AT P.O. BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETA CHENCHARICK, ADM. ASST. TO SUPERINTENDENT 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 # 104055
NO: 08-616-CD
SERVICE # 3 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) al

SHERIFF RETURN

NOW, April 22, 2008 AT 9:57 AM SERVED THE WITHIN COMPLAINT ON CHAPLAIN R. HENRY DEFENDANT AT P.O. BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DORETA CHENCHARICK, ADM. ASST. TO SUPERINTENDENT 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 # 104055
NO. 08-616-CD
SERVICE # 4 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) a

SHERIFF RETURN

NOW, April 22, 2008 AT 9:57 AM SERVED THE WITHIN COMPLAINT ON CHAPLAIN DUGAN DEFENDANT AT P.O. BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO D. CHENCHARICK, ADM. ASST. TO SUPERINTENDENT 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 # 104055
NO: 08-616-CD
SERVICE # 5 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDDICK
vs.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) al

SHERIFF RETURN

NOW, April 22, 2008 AT 9:57 AM SERVED THE WITHIN COMPLAINT ON GRIEVANCE COORDINATOR D. CHENCHARICK DEFENDANT AT P.O. BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO D. CHENCHARICK, ADM. ASST. TO SUPERINTENDENT 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 # 104055
NO: 08-616-CD
SERVICE # 6 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) a1

SHERIFF RETURN

NOW, April 17, 2008, SHERIFF OF CUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DEPARTMENT OF CORRECTIONS.

NOW, April 24, 2008 AT 3:13 PM SERVED THE WITHIN COMPLAINT ON DEPARTMENT OF CORRECTIONS, DEFENDANT. THE RETURN OF CUMBERLAND COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104055
NO: 08-616-CD
SERVICE # 7 OF 7
COMPLAINT

PLAINTIFF: ERIC RIDDICK
VS.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) al

SHERIFF RETURN

NOW, April 17, 2008, SHERIFF OF CUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON REV. ULLI KLEM (ADMINISTRATOR; RELIGIOUS & VOLUNTEER SERVICES INMATE SERVICES).

NOW, April 24, 2008 AT 3:13 PM SERVED THE WITHIN COMPLAINT ON REV. ULLI KLEM (ADMINISTRATOR; RELIGIOUS & VOLUNTEER SERVICES INMATE SERVICES), DEFENDANT. THE RETURN OF CUMBERLAND COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104055
NO: 08-616-CD
SERVICES 7
COMPLAINT

PLAINTIFF: ERIC RIDICK
vs.
DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) aI

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SHERIFF HAWKINS	NO COSTS	IFP ORDER	
CUMBERLAND CO.	NO COSTS	IFP ORDER	

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

SHERIFF'S RETURN - REGULAR

CASE NO: 2008-00338 T

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF CUMBERLAND

RIDDICK ERIC

VS

DEPARTMENT OF CORRECTION ET AL

KENNETH GOSSERT, Sheriff or Deputy Sheriff of
Cumberland County, Pennsylvania, who being duly sworn according to law,
says, the within NOTICE was served upon

DEPARTMENT OF CORRECTION the

DEFENDANT, at 0015:13 HOURS, on the 24th day of April, 2008
at 55 UTLEY DRIVE

CAMP HILL, PA 17011 by handing to

RANDALL SEARS (DEPUTY CHIEF COUNSEL)

a true and attested copy of NOTICE together with

COMPLAINT

and at the same time directing His attention to the contents thereof.

Sheriff's Costs:

Docketing	18.00
Service	15.00
Affidavit	2.50
POSTAGE	.41
	.00
	35.91

So Answers:


R. Thomas Kline

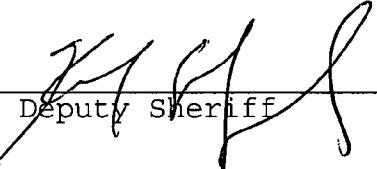
04/25/2008

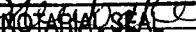
Sworn and Subscribed to

before me this 28th day

of April, 2008 A.D.

By:


Deputy Sheriff


CLAUDIA A. BREWBAKER, NOTARY PUBLIC
Carlisle Boro. Cumberland County
My Commission Expires April 4, 2009

SHERIFF'S RETURN - REGULAR

CASE NO: 2008-00338 T

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF CUMBERLANDRIDDICK ERIC

VS

DEPARTMENT OF CORRECTION ET AL

KENNETH GOSSERT, Sheriff or Deputy Sheriff of Cumberland County, Pennsylvania, who being duly sworn according to law, says, the within NOTICE was served upon KLEM REV ULLI ADMIN RELIGIOUS & VOLUNTEER SV the DEFENDANT, at 0015:13 HOURS, on the 24th day of April, 2008 at 55 UTLEY DRIVE

CAMP HILL, PA 17011 by handing to RANDALL SEARS (DEPUTY CHIEF COUNSEL) a true and attested copy of NOTICE together with COMPLAINT

and at the same time directing His attention to the contents thereof.

Sheriff's Costs:

Docketing	6.00
Service	.00
Affidavit	1.00
Surcharge	.00
	.00
	7.00

So Answers:

R. Thomas Kline

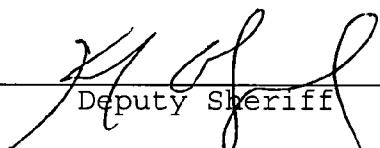
04/25/2008

Sworn and Subscribed to

By:

before me this 26th day

Deputy Sheriff

of April, 2008 A.D.

CLAUDIA A. BREWBAKER, NOTARY PUBLIC
Carlisle Boro. Cumberland County
My Commission Expires April 4, 2009



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
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 104055

TERM & NO. 08-616-CD

ERIC RIDICK

COMPLAINT

vs.

DEPARTMENT OF CORRECTIONS (D.O.C.) al

**SERVE BY: 05/03/08
COURT DATE:**

MAKE REFUND PAYABLE TO IPP ORDER ATTACHED

SERVE: DEPARTMENT OF CORRECTIONS

ADDRESS: 55 UTILITY DRIVE, PO BOX 5598, CAMP HILL, PA 17001

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CUMBERLAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 17, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

ERIC RIDICK,
Plaintiff

vs.

DEPARTMENT OF CORRECTION, G. PATRICK,
R. BRITTON, R. HENRY, DUGAN, D. CHENCARICK,*
REV. ULLI KELM,
Defendants

*
*
*
*
*
*

NO. 08-~~000~~-CD

ORDER

NOW, this 3rd day of April, 2008, the Court having received and reviewed the Plaintiff's Petition to Proceed *in forma pauperis* filed April 3, 2008, it is the ORDER of this Court that the Petition for Leave to Proceed *in forma pauperis* be and is hereby GRANTED for purposes of the Plaintiff's Civil Complaint.

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.

APR 08 2008

Attest.

Wm. J. Ammerman
President Judge
Clerk of Courts

OFFICE

OFFICE



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
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 104055

TERM & NO. 08-616-CD

ERIC RIDDICK

COMPLAINT

vs.

DEPARTMENT OF CORRECTIONS (D.O.C.) al

**SERVE BY: 05/03/08
COURT DATE:**

MAKE REFUND PAYABLE TO IFP ORDER ATTACHED

SERVE: REV. ULLI KLEM (ADMINISTRATOR; RELIGIOUS & VOLUNTEER SERVICES INMATE SERVICES)

ADDRESS: P.O. BOX 598, CAMP HILL, PA 17001

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CUMBERLAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 17, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

ERIC RIDICK,
Plaintiff

vs.

NO. 08-*elle-CD*

DEPARTMENT OF CORRECTION, G. PATRICK,
R. BRITTON, R. HENRY, DUGAN, D. CHENCARICK,
REV. ULLI KELM,
Defendants

*
*
*
*
*
*

ORDER

NOW, this 3rd day of April, 2008, the Court having received and reviewed the Plaintiff's Petition to Proceed *in forma pauperis* filed April 3, 2008, it is the ORDER of this Court that the Petition for Leave to Proceed *in forma pauperis* be and is hereby GRANTED for purposes of the Plaintiff's Civil Complaint.

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.

APR 03 2008

Attest.

William L. Hess
Prothonotary/
Clerk of Courts

FILED

JUL 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

RE

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

ERIC RIDDICK,

Plaintiff,

V.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

No. 2008-616-CD

FILED

JUL 28 2008

~19:45(4)

William A. Shaw
Prothonotary/Clerk of Courts

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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: July 25, 2008

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ERIC RIDDICK, :
: Plaintiff, : No. 2008-616-CD
v. :
: PENNSYLVANIA DEPARTMENT :
: OF CORRECTIONS, et al., :
: Defendants. :
:

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 Praeclipe for Entry of Appearance upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Eric Riddick, BV-9474
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698-1000



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

Dated: July 25, 2008

William A. Shaw
Prothonotary/Clerk of Courts

JUL 28 2008

FILED

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

ERIC RIDDICK,

V.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants

ORDER

AND NOW, this 4th day of August, 2008, upon consideration of Defendants' Preliminary Objections, it is hereby ORDERED that the Defendants' Preliminary Objections to Plaintiff's Complaint are SUSTAINED and the Complaint is hereby DISMISSED. Plaintiff shall have a period of thirty (30) days to file an Amended Complaint.

BY THE COURT:

Judie J. Kummelman

J.

FILED 1CC
014-00341 Atty MacIntyre
AUG 04 2008 (GK)
William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/4/08

You are responsible for serving all appropriate parties.
 The Probonary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

WA

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

ERIC RIDDICK,

:

Plaintiff,

:

No. 2008-0616-CD

v.

:

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

:

Defendants

:

FILED

(E)

JUL 28 2008

AM 19:45 PM

William A. Shaw
Prothonotary/Clerk of Courts

3 CENTS TO ATT

PRELIMINARY OBJECTIONS OF DEFENDANTS

AND NOW, come Defendants, the Department of Corrections and a number of its employees, by and through their attorney, Robert B. MacIntyre, and in accord with Pa. R.C.P. 1028, raise the following preliminary objections to Plaintiff's Complaint, averring as follows:

FACTUAL ALLEGATIONS

1. Plaintiff is Eric Riddick, an inmate incarcerated at the State Correctional Institution at Mahanoy (hereinafter "SCI-Mahanoy").
2. On or about March 28, 2008, Plaintiff filed the instant Complaint alleging that the Defendants have violated his First and Fourteenth Amendment rights, his rights under the Pennsylvania Constitution, as well as the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq. (See Complaint, paragraphs 22-27).

3. Plaintiff's Complaint seeks damages against all individual Defendants in their official capacities, as well as an order compelling Defendants to fully meet Plaintiff's "necessary religious accommodations. (See Complaint, prayer for relief).

4. The crux of Plaintiff's case is that the Defendants have not quickly acted on his formal religious accommodation request form. (See Complaint, paragraphs 7-20).

5. Plaintiff alleges that the Department of Corrections has recognized the Nation of Islam for a substantial period of time. (See Complaint, paragraph 21).

6. Plaintiff fails to allege what accommodations that he is seeking or that he alleges have been denied. (See Complaint).

PRELIMINARY OBJECTION IN THE FORM OF DEMURRER

7. Plaintiff's Complaint should be dismissed for plaintiff's failure to state claims upon which relief can be granted.

8. In ruling on preliminary objections in the nature of the demurrer, the Court must accept as true all well-pleaded allegations and all inferences reasonably deducible therefrom. *Doxsey v. Pennsylvania Bureau of Corrections*, 674 A.2d 1173, 1174 (Pa. Cmwlth. 1996); *Stone & Edwards Insurance Agency, Inc. v. Department of Ins.*, 616 A.2d 1060 (Pa. Cmwlth. 1992), *affirmed* 538 Pa. 276, 648 A.2d 304 (1994). A demurrer may only be sustained when on the face of the

complaint the law will not provide recovery. *Doxsey, Id.*, at 1174. A demurrer does not admit to conclusions of law or unjustified inferences that may appear in the plaintiff's complaint. *Raynovich v. Romanus*, 450 Pa. 391, 299 A.2d 301 (1973).

9. Plaintiff's complaint alleges that he has been denied his Constitutional and statutory rights to freely practice his religious faith as a member of the Nation of Islam.

10. Plaintiff fails to allege any facts supporting his claim or stating how he has been denied the opportunity to practice his faith.

11. He does not allege the denial of any texts or other religious publications, nor does he allege the restriction of his right to worship in his cell.

12. "Pennsylvania is a fact-pleading jurisdiction. A complaint must therefore not only give the defendant notice of what the plaintiffs' claim is and the grounds upon which it rests, but it must also formulate the issues by summarizing those facts essential to support the claim." *Sevin v. Kelshaw*, 611 A.2d 1232, 1235 (Pa. Super. 1992) (citation omitted).

13. Plaintiff's failure to explain what steps, if any, Defendants took to deny him his Constitutional and/or statutory rights, is fatal to his case and warrants the dismissal of his Complaint.

WHEREFORE, Defendants request that this Court dismiss Plaintiff's Complaint against Defendants Department of Corrections and its employees, with prejudice, for the grounds enumerated above.

Respectfully submitted,
Governor's Office of General Counsel,

By:


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

Dated: July 25, 2008

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ERIC RIDDICK,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

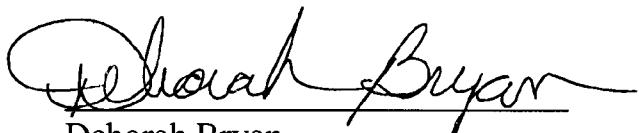
: No. 2008-616-CD

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 Preliminary Objections of Defendants upon the person(s) in the above-captioned matter.

Service by first-class mail
Addressed as follows:

Eric Riddick, BV-9474
SCI-Houtzdale
P.O. Box 1000
209 Institution Drive
Houtzdale, PA 16698-1000



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

Dated: July 25, 2008

FILED
JUL 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD County, PENNSYLVANIA

FILED

ERIC RIDDICK,

PLAINTIFF,

V. S.

NO. 2008-0616-C.D.

Aug 26 2008
m/10:45/

William A. Shaw
Prothonotary/Clerk of Courts
COURT OF

DEPARTMENT OF

CORRECTIONS, et al.,

DEFENDANTS.

AFFIDAVIT FOR AN EXTENSION
OF TIME

I, ERIC RIDDICK, hereby declare under
the penalty of perjury that:

I am the plaintiff in the above captioned
civil action.

On July 30, 2008, I received, and signed
for legal mail from Clearfield County Court
House.

The contents inside was the PRELIMINARY
OBJECTIONS of the defendants in the above captioned
matter, AS WELL AS AN UNSIGNED ORDER
INFORMING ME THAT THE DEFENDANTS PRELIMINARY
OBJECTIONS TO SAID PLAINTIFF'S COMPLAINT
ARE SUSTAINED AND THAT ~~THE~~ THE COMPLAINT IS
HEREBY DISMISSED, AND THAT I HAVE 30 DAYS
TO FILE AN AMENDED COMPLAINT.

ON July 30, I (The complainant) was accused of Being involved in an Altercation and was thus taken to the Institution's R.H.U (RESTRICTED Housing unit). Shortly there after, I was sanctioned to 90 days in The Restricted Housing unit.

AS A RESULT of Being housed in The Restricted Housing unit, I am limited to The legal materials, Legal assistance and overall mobility that is required for me to effectively file The necessary Responses in The above captioned matter.

IN VIEW OF The foregoing, I request an Extension of 90 days from this date, to and including November 16, 2008 new deadline in which to file The necessary Amendments in accord to said order.

Date: 8-19-08

c.c. file.

1. Eric Riddick

ERIC RIDDICK # BSV-9474

P.O. BOX 1065

Heatzdale, PA 16698-1000

PROOF OF SERVICE

I HEREBY CERTIFY THAT I AM THIS DAY SERVING
THE FOREGOING AFFIDAVIT FOR AN EXTENSION
OF TIME UPON THE FOLLOWING PERSONS:

To: William A. Shaw

Clerk of Courts; Prothonotary

Clearfield County Courthouse

P.O. Box 549

Clearfield, PA. 16830-0549

To: Robert T. MacIntyre

ASSISTANT COUNSEL

PA ATTORNEY I.D. NO 36817

PA. DEPARTMENT OF CORRECTIONS

55 Utley DRIVE

CAMP HILL, PA, 17011

DATE 8-19-08

Eric Riddick

ERIC RIDDICK

BV-9474

P.O. BOX 1000

HAZZARD PA, 16698-1000

FILED
AUG 26 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

ERIC RIDICK,
Plaintiff

vs.

DEPARTMENT OF CORRECTION, et al,
Defendants

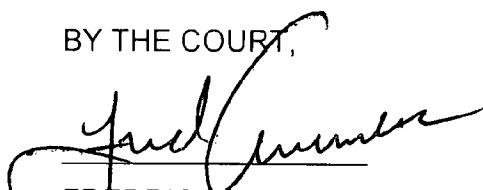
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NO. 08-616-CD

O R D E R

NOW, this 27th day of August, 2008, the Court having received and reviewed the Plaintiff's *pro se* Affidavit (i.e. Motion) for an Extension of Time, it is the ORDER of this Court that the said Motion be and is hereby GRANTED and the Plaintiff is granted an extension of time, through and including November 19, 2008, to file an Amended Complaint.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
01925304 B#9474
AUG 28 2008 SCI Huntingdon

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty MacIntyre
610

FILED

AUG 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/28/08

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 COMMONS PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA.

FILED *PA*

NOV 20 2008

M/8:50/AM

William A. Shaw
Prothonotary/Clerk of Courts

ERIC RIDDICK

PLAINTIFF

No C/C

V.S.

NO. 2008-0-616-CD

PENNSYLVANIA DEPARTMENT

OF CORRECTIONS, ET AL.

MOTIONS

MOTION TO WITHDRAW CIVIL ACTION,
AND REQUEST EXEMPTION FROM PAY COURTESY.

AND NOW THIS 15 day of NOVEMBER 2008,
COMES THE ABOVE CAPTIONED PLAINTIFF IN THE
ABOVE CAPTIONED CIVIL ACTION, PROSE AS SUCH,
PLAINTIFF RESPECTFULLY MOVES THIS HONORABLE
COURT TO GRANT SAID MOTION.

IN SUPPORT THEREOF, PLAINTIFF AVERS
THE FOLLOWING:

1. PLAINTIFF IS CURRENTLY HOUSED IN THE RESTRICTED
HOUSING UNIT AND IS PENDING TRANSFER TO
ANOTHER INSTITUTION.

2. PLAINTIFF IS UNABLE TO GET THE LEGAL ASSISTANTS
AND THE LEGAL MATERIALS THAT IS REQUIRED TO LITIGATE
THE ABOVE CAPTIONED CIVIL ACTION PROPERLY.

3. PLAINTIFF IS PENDING TRANSFER FROM S.C.I. HAZZDALE.

4. Being As The The Though The Above
Captioned CASE NEVER MADE IT PASS The PRELIMINARY
Stages, Plaintiff REQUESTS EXEMPTION FROM PAYING
ANY COURT FEES FILING FEES ETC.

5. Plaintiff HAS no FINANCIAL RESOURCES.

Therefore, Plaintiff REQUESTS THAT This
Honorable court GRANT The ABOVE motion.

Thank you.

Sincerely Submitted,

1s/ Eric Riddick

Eric Riddick

BV-9474

P.O. 1000

HouTdale, PA. 16698-000

DATE: 11-15-08

William A. Shaw
Prothonotary/Clerk of Courts

NOV 20 2008

FILED

Opposing counsel for serving all appropriate parties.

Plaintiff(s) Plaintiff(s) office has provided service to the following parties:
 Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney

FILED
NOV 24 2001
55 44-1574 Mr. William C. Shaw
Counsel for Plaintiff, PA
Honolulu, HI
Clerk of Courts
17011

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

ERIC RIDDICK,
Plaintiff

* No. 08-616-CD

vs.

DEPARTMENT OF CORRECTION, G. PATRICK,
R. BRITTON, R. HENRY, DUGAN, D. CHENCARICK,
REV. ULLI KELM,
Defendants

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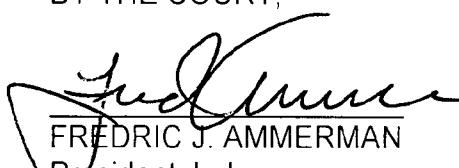
NOV 24 2008
012-101

William A. Shaw
Prothonotary/Clerk of Courts
CCMA TO PLAFL
DEPT'S ATTYS

O R D E R

AND NOW, this 21st day of November, 2008, in conformity with the Plaintiff's Motion to Withdraw Civil Action, and Request Exemptions from Pay Court Fees", it is the ORDER of this Court that the case be and is hereby DISMISSED. The Plaintiff shall not be required to pay record costs.

BY THE COURT,


FREDRIC J. AMMERMAN

President Judge