

**08-616-CD**

**Eric Riddick vs Dept of Correction**

CP

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

ERIC RIDDICK,  
PLAINTIFF

NO: 08-616-CD

VS.

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

COMPLAINT FOR:  
VIOLATIONS OF FIRST AND  
FOURTEENTH 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.

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

DATE: 3/29/08

FILED NO  
m 13:32/67 CC  
APR 03  
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 1985

(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 Pa. 4909

Date: 3-29-08

RESPECTFULLY SUBMITTED,

1s/ *Eric Riddick*  
ERIC RIDDICK-BV-9474

CA

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

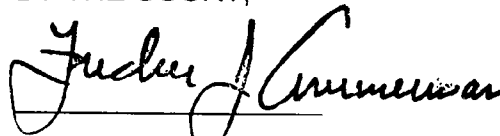
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NO. 08-66e-CD

**ORDER**

NOW, this 3<sup>rd</sup> 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/3/32BH Pff  
(LST)  
CLEARFIELD COUNTY, PENNSYLVANIA  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY PENNSYLVANIA

ERIC RIDDICK,

PLAINTIFF

NO: 08-606-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  
CAMPHILL PA. 17001-0598

013.32304 9CC  
Piff  
(57)

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 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, PO Box 598, Camp Hill 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, Chencherick, 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, Chencherick, 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 Amendent 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 Proteactions 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

FOR OFFICIAL USE ONLY  
179099  
GRIEVANCE NUMBER

**OFFICIAL INMATE GRIEVANCE**

TO: FACILITY GRIEVANCE COORDINATOR <b>MS. CHEN CHARICK</b>		FACILITY: <b>SCI-Hou</b>	DATE: <b>2-17-07</b>
FROM: (INMATE NAME & NUMBER) <b>ERIC RIDDICK-BV-9474</b>		SIGNATURE of INMATE: <b>Eric Riddick</b>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>  <b>SUPT'S ASST OFF</b> </div>
WORK ASSIGNMENT: <b>11</b>		HOUSING ASSIGNMENT <b>EA-07</b>	
INSTRUCTIONS:			<b>FEB 20 2007</b>  <b>SCI - HOUTZDALE</b> <b>PO BOX 1090 HOUTZDALE, PA</b>
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 names of all 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.***

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.

I am submitting this grievance against S.C.I. Hutzale/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 ~~F.R.I.B. (RELIGIOUS FREEDOM RESTORATION ACT)~~ & R.L.U.I.P.A. (RELIGIOUS LAND USE INSTITUTIONALIZE PERSON ACT). Upon my arrival here at S.C.I.Hutzale 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.Hutzale. Since then, I have pleaded with Hutzale Staff to please abide by the ~~PRINCIPLE~~ of LAW that demands that the S.C.I.'s &

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

Chaplain's DUGAN; HENRY, REV. Ull, Klemm (Chaplain);  
SUPERINTENDENT PATRIC; DEPUTY BLITON; former Deputy THOMAS;  
The SECURITY STAFF; COUNSELOR IVIVIC; UNIT MANAGER GRAMON.  
Submitted Accommodations Forms.

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

Dorita Chencharik  
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 acknowledge. 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 Baptise 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 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. ~~Restatement of the Law~~ ~~restitution act of 1993~~ ~~42 U.S.C. sec. 2000c~~. Religious land use and institutionalized person act, 42 U.S.C. sec 2000cc. Allah vs. Mendi—cutter vs. Willinson and much more.

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

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

Doretta Chencharick  
Superintendent's Assistant

SIGNATURE OF GRIEVANCE OFFICER



DATE

02/23/07

Exhibit "C"

TO: Houtzdale Superintendent Patrick

FR: 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 Chancharick.

Ms. Chancharick's rationale 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 months ago, and still haven't heard nothing back regarding being Religiously 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 laws 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 months 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 dated 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

1/s/ *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 Kessler  
Major Close  
Ms. Chencharick  
Ms. Younkin  
Mr. Hartnett  
Chaplain Dogun  
Case Record  
file

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"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 f3d 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 [ACCOMMODATIONS] sec G. §2, a-h) details the timetable that the D.O.C. has to following 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 Boddid

**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: 3-29-08

RESPECTFULLY SUBMITTED

/s/ *Eric Riddick*

ERIC RIDDICK 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 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 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**

6/3:30 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 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 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.) al

**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.) 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 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 RIDDICK

vs.

DEFENDANT: DEPARTMENT OF CORRECTIONS (D.O.C.) at

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

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



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  
R. Thomas Kline

04/25/2008

Sworn and Subscribed to

before me this 20th day

of April, 2008 A.D.

By:

Deputy Sheriff

Claudia A. Brewbaker  
NOTARY SEAL  
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 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  
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

before me this 20th day

of April, 2008 A.D.

By:

Deputy Sheriff

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 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:** 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 deputize 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,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



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. 08-0002-CD

**ORDER**

NOW, this 3<sup>rd</sup> 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,

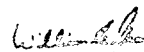
/S/ Fredric J Ammerman

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.

  
Patricia A. Smith  
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 deputize 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,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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. 08-0012-CD

ORDER

NOW, this 3<sup>rd</sup> 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. B...*  
Prothonotary/  
Clerk of Courts

100

FILED

JUL 25 2008

William A. Shaw  
Prothonotary/Clerk of Courts

227

JA

**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

William A. Shaw  
Prothonotary/Clerk of Courts

2 clerk to Att

**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,

v.

PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

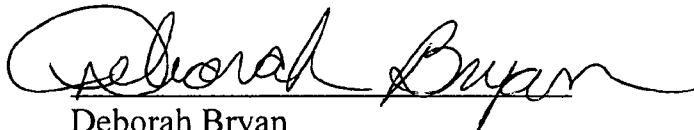
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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Praecept 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



CM

[illegible]

No. 2008-0616-CD

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## ORDER

BY THE COURT:

J.

GN

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

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

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

CA

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

ERIC RIDDICK,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants

No. 2008-0616-CD

**FILED**

JUL 28 2008

m 19:45/w

William A. Shaw  
Prothonotary/Clerk of Courts

3 cent 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.

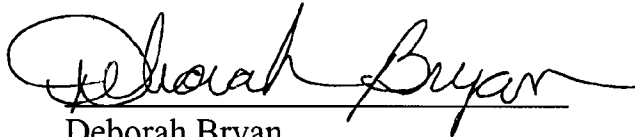
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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing 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

ERIC RIDDICK,  
PLAINTIFF,

V. S.

NO. 2008-0616-C.D.

DEPARTMENT OF  
CORRECTIONS, et al.,  
DEFENDANTS.

FILED

AUG 26 2008  
M/10:45

William A. Shaw  
Prothonotary/Clerk of Courts

LCR 10 10-1

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 ACTIONS.

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 thereafter, 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

19 Eric Riddick

ERIC RIDDICK #BV-9474

P.O. BOX 1060

Hentzdale, PA. 16698-1000

C.C. file.

## 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 B. MacIntyre

Assistant Counsel  
PA Attorney I.D. No 36817  
PA. Department of Corrections  
55 Utley Drive  
Camp Hill, PA, 17011

Date 8-19-08

By Eric Riddick

Eric Riddick

BV-9474

P.O. Box 1000

Harrisburg, PA, 16698-1000

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

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

ERIC RIDDICK,  
Plaintiff

vs.

DEPARTMENT OF CORRECTION, et al,  
Defendants

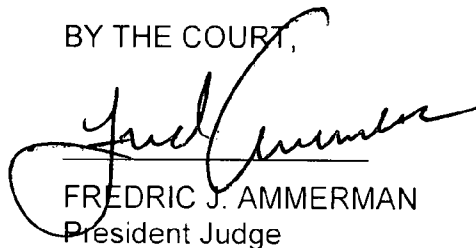
\*  
\*  
\*  
\*  
\*

NO. 08-616-CD

ORDER

NOW, this 27<sup>th</sup> 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 *icc diff*  
*01925301 BY 9474*  
AUG 28 2008 *SCI Houtzdale*

William A. Shaw  
Prothonotary/Clerk of Courts

*2CC Atty MacIntyre*  
*(64)*

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 COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

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 Court Fees.

And Now This 15 day of <sup>NOVEMBER</sup> ~~2008~~, 2008,  
comes The ABOVE CAPTIONED PLAINTIFF IN THE  
ABOVE CAPTIONED CIVIL ACTION, PROSE. AS SUCH,  
PLAINTIFF RESPECTFULLY MOVES THIS ~~HONORABLE~~ Honorable  
Court TO GRANT SAID motions.

IN SUPPORT THEREOF, ~~THE~~ 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. Houtzdale.

4. Being As ~~The~~ ~~The~~ Though The ABOVE  
CAPTIONED CASE NEVER MADE IT PASS THE PRELIMINARY  
STAGES, PLAINTIFF REQUEST EXEMPTION FROM PAYING  
ANY COURT FEES FILING FEES ETC.

5. PLAINTIFF HAS NO FINANCIAL RESOURCES.

Therefore, PLAINTIFF REQUEST THAT THIS  
HONORABLE COURT GRANT THE ABOVE MOTIONS.

Thank you.

Sincerely Submitted,

1st Eric Riddick

Eric Riddick

#BV-9474

P.O. 1000

HOUTEDALE, PA. 16648-1000

cc. file

DATE 11-15-08



**FILED**

NOV 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DECEMBER 11

☒ Representative for serving all appropriate parties.

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

Plaintiff(s) \_\_\_\_\_ Defendant(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_

Robert MacIntyre  
55 W. 4th St. Dr.  
Cambridge, MA 02142  
17011  
William A. Shaw  
Notary Public/Clerk of Courts

FILED

NOV 24 2008

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. 08-616-CD

**FILED**

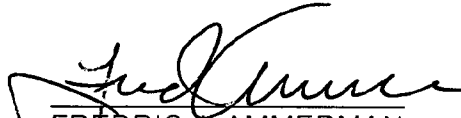
NOV 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
Clerk to PLEA  
DEPT'S ATTOR

ORDER

AND NOW, this 21<sup>st</sup> 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