

08-1607-CD

Abdul Ideen vs Doretta Chencharick

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

ABDUL IDEEN

vs.

DORETTA CHENCHARICK

*

*

*

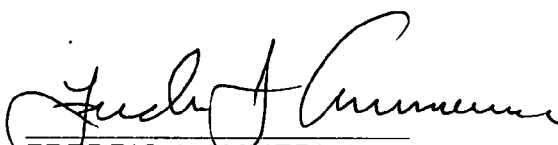
08-1607-CD

ORDER

NOW, this 26th day of August, 2008, the Court being in receipt of the Plaintiff's *pro se* Complaint and request to proceed In Forma Pauperis and upon review of the same being satisfied that the matter is frivolous, pursuant to Rule of Civil Procedure 240(j), it is the ORDER of this Court that the Complaint and IFP request be and are hereby DISMISSED, with prejudice.

The Court further notes the documents submitted by the Plaintiff are only partially legible.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED^E

AUG 26 2008

0/3:30/1
William A. Shaw
Prothonotary/Clerk of Courts
Sent to Puff.

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

ABDUL JEEEN
CW6127
PO BOX 1000
Holtzdale Pa 16698-1000

Pennsylvania Attorney General Office
STRANBERRY SQUARE 15TH FL.
Harrisburg PA 17120

DEAR ATTORNEY General:

The Complaint Pursuant 42 PA C.S.A 8350 willfull Misconduct
PA Political Subdivision Tort Claims Act 8350 and those indicated Certificate Service

Respectfully Submitted
Abdul Jeeen

ABDUL IDEED CLW-6127
PO Box 1000
Holtzdale PA 16698-1000

Danetta Chanchnick
PO Box 1000
Holtzdale PA 16698-1000

FILED

AUG 26 2008

W. Shaw
William A. Shaw
Prothonotary/Clerk of Courts
cc

2008-1607-00

Notice To Defend

You have been sued in Court; If you must wish to Defend Against The Claims SET FORTH AGAINST YOU THE FOLLOWING PAGES you must Take This Complaint and notice upon Service. BY entering A written Appearance or Person Filing The same with The Courts you written Objections, To The Claims SET FORTH AGAINST YOU. IF you fail to do so the case will proceed without you and a Judgment will be entered AGAINST you For The Relief BY The Petitioner.

You should Take This Notice to your Personal Attorney Immediately. IF you do NOT have A Lawyer you should contact The Attorney General Office.

In The Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL CIBEN

V.

Civil Tort Action AT LAW

No. _____

Doretta Chenschanick

Rule To Show Cause

AND NOW This _____ Day of _____ 2008 A Rule is Hereby
Granted Directing the _____ To
Show Cause why Attached _____
Should Not Be Granted.

Rule Returnable The _____ Day of _____ 2008 AT
Room _____ Clearfield County Courthouse 230 E. MARKET ST Clearfield PA 16830

In the Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL JIBEN

vs.

Civil Tort Actions at Law

No. _____

DeVetta chenevrick

ORDER

AND NOW this _____ day of _____ 2008 upon consideration
of the foregoing motion filed by the petitioner _____

IT IS HEREBY ORDERED AND DECREED that the Relief Sought by the Petitioner Granted:
To Proceed On PA Political Subsidies Tort Claim Act Section 8338
Without Misconduct, Without Prepayment of Any Fees and cost thereof

By the Court

In The Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL IDEEN

V.

LORETTA Chaschirick

Civil Tort Actions at Law

NO: _____

Complaint Political Subdivision Tort
Claim Liability of Local Agency
Employee under Color State Law

TO: The Honorable Judge of said Court:

Petitioner Abdul Ideen Chelzer concerning the captioned Case Orders:

Jurisdiction

The Jurisdiction of the Court is Based upon 42 PA C.S.A. Section 8330 and on Political Subdivision Tort Claim Act Willful Misconduct.

1. The Petitioner Abdul Ideen is a United States Citizen Presently at the State Facility Hutzelle doing sentence 6 to 15 Years.
2. Defendant Loretta Chaschirick A Executive Official Secretary Assistant Governor Pennsylvania State employee of the Department of the State stationed at SCI Hutzelle and when capacity obstructed Retaliatory Policy's Procedures and Practices Violations Use Code of Ethics and otherwise as on about Oct-29-2007 March 22, 2008 May 6, 2008 May 11, 2008.

3. Defendant is a Civil Service Tested employee under a Pennsylvania Department duly organized under the Law of the Commonwealth of PA and Located at: PO Box 1000 Houtzdale Pa 16668-1000

4. On or about October 29, 2007 Petitioner was falsely arbitrarily charged with false and fraudulent Misconduct Report 813064 for Assault Reporting Staff Sgt Wenkinger Retaliated for Freedom of Speech Filing Grievances Violating Petitioner's Legal Status of Good Time Legal Custody by Habit and Practice. That Resulted Negligent Staff use excessive Force was imposed due known illegal and Unlawful Petitioner Practices Procedures and Policies.

5. By Extra Unethical means Deliberate Disubordination Failure to Train Supervise and Discipline Known Misconduct by Subordinates State employees Capt Cliden Lt. Grace Sgt Wenkinger A. Snyder W. Henry H. Isak Filed False Report Citing Assault under the Negligent Suicide Saseph Holloway October 29, 2007 after my excessive Force violations.

6. Petitioner was found Guilty filed appeal to Program Review Committee Hearing (PRC): Decision determine above evidence that the Procedures employed were contrary to Law Department Directives and/or Regulations. The Committee notes that your appeal is standing and not consistent with the Rationale Selected. Misconduct 813064 is clear and substantiated by Staff witnesses and Video Tape which was reviewed by the Examiner prior to your Hearing. In conclusion the Program Review Committee finds that you were afforded a fair and impartial hearing and concurs with the Examiner's findings that a preponderance of the evidence supports a Guilty finding charge Assault. Your appeal is denied.

7. Petitioner filed second appeal Sept November 8, 2007 misconduct 813064 who denied such as well as the actions of the Hearing Examiner and Program Review Committee. The appeal is based on the grounds the procedures were very contrary to Law due Policy or procedures. You claim that SGT Wunkinben filed false report. This was addressed by the Examiner and Program Review Committee. It find no misconduct means and appeal is denied.
8. The Actual Assault was Retaliatory measure for being denied Access to the Courts deliberately. Used the process transferred further away after yet another suicide December 2, 2007 same state employees Lioba Clifford Finney Capt Oliver LT Grove SGT Wunkinben Ersek Kline for Unconstitutional Practices Policies Procedures Contrary defendant directives and/or Regulations.
9. Petitioner was subjected to yet another false fraudulent report and no due process report of state employees SGT Yeaster Conspiracy styled misconduct counter claim Retaliatory fashion for filing grievances accordance 801 Policy with malice know ledge violate Petitioners Good Leadership by habit that resulted dismissal.
10. The Petitioner was subjected to yet another false fraudulent report May 6 2008 946184 no due process report of state employee SGT Sheddock Conspiracy style misconduct report counter claim by defendant Subordinates withall Retaliatory fashion for filing grievances accordance 801 Policy with malice knowledge violate Petitioners Good Leadership by habit that resulted loss privileges.
11. The Petitioner was continued shift Commander LT Harris SGT Grove Paswita Davis Zukowski for violations class 16 Fighting Report B 066397 May 11, 2008 properly violated Retaliations counter claim by defendants Subordinates withall Retaliatory fashion for grievances accordance 801 Policy with malice knowledge violate Petitioners Good Leadership by habit that resulted 60 days due process violations.

12. Petitioner was found Guilty misconduct 066397 filed appeal challenging Vagueness of Procedures employed and contrary to Law Department Directives and/or Regulations. The PRC Decision states due Guilty plea and staff not being issued Sanctions substantiated. The Petitioner challenges the Assuit definitions to Fight and how Policies Procedures Rules Regulations are articulated violation due Process clause.
13. The Petitioner Filed second appeal SOLT misconduct 066397 who denied such as well DOC violations from Subordinates. The Program Review Committee Substantiated the Procedures finding Guilt no Procedures errors appeal is denied.
14. The Petitioner claims Civil Conspiracy by defendants to unlawfully use a lawful administrative hearing Process for unlawful reasons. The Administrative Regulations employed were vague conclusively unconstitutional.
15. Petitioner is undergoing common Pleas sentence 6 to 13 Year sentence and only prove his innocence seeking Reversal the Procedures employed are violations appeal Process was Perked by Partial administrators who joined the effort violate the Petitioner thru unconstitutional practices procedures and profiled Petitioner.
16. Petitioner was violated no criminal Law has no weapons or weapons usage Possession of no drugs no weapons no criminal activity on Petitioner the Federal Building disturbance instigation that was violated Racially Religiously Profiled Discriminated upon violation DOC code ethics by defendant Subordinates.

Wherefore Petitioner Demands Indemnification Judgment against Defendant. Administrative Exhaustive Remedies been exhausted to be futile to Circumvent Office Central Office who denied such.

Abdul Allen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY OF PENNSYLVANIA

ABIGAIL IDEEN

v.

DORÉTTA CHESCHWAID

Civil Tort Action at Law

No. _____

Memorandum of Law

The Court of Common Pleas of Clearfield County, Pennsylvania U.S.A. Jurisdiction to entertain this complaint under the PA Political Subdivisions Tort Claims Act 42 PA C.S.A. Sec. 8550 Willful Misconduct. In any action against an employee therefore the damages on account of violations caused by the act of the employee caused is judicially determined that the act of the employee caused violations and that such act constituted and constituted a crime actual fraud actual malice or willful misconduct. The provisions of sections 8545 Relating to officials liability Generally 8546 Relating to abatement of official immunity 8548 Relating to indemnity and 8549 Relating to limitations on damages shall not apply.

Notwithstanding Misconduct for which officer's is not immune under Pennsylvania Political Subdivisions Tort Claims Act is not deliberate indifference it requires motive Brial about the Result on at least awareness that it is substantially certain to follow. *Dwain v. City of Philadelphia* E.D. Pa 11098 6 F. Supp 2d 373 Award of punitive damages Against Police Officer's Liability Brought by Arrestee.

For Assault and Battery and False Imprisonment was not sufficient to establish willful misconduct that would preclude Police from obtaining indemnity from City under Political Subdivisions Tort Claims Act for Judgment entered against Police Officer's in that action. For Reckless Conduct might be sufficient to support award of punitive damages. *Ross v. City of Phila* 64 A 2d 289 537 PA Supp 1954.

RECEIVED

JUN 09 2008

Court Administrator's
Office

And the erroneous interpretation of Agency Policies under the Commonwealth Court of Pennsylvania under Attorneys Cite Omitted.

The Pennsylvania Tort Claim Statute provides Adequate Remedy for violations Property allegedly claimed By Security so that there is no deprivation of due process of Law Carol v. Bristol E.D. PA 1993 827 F. Supp 332

Proof of Service

I Abdul Ghaeen certify that on May 26, 2008 copy of the Affidavit was served and placed United States Box addressed to:

Clearfield Clerk Office
230 EAST MARKET ST.
Clearfield PA 16830

Abdul Ghaeen

PD Box 1000

Huntzville Pa 16698-1000

In The Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL JIDEEN

Donetta Churchnick

Civil Tort Action No
No: _____

Certificate of Service

I ABDUL JIDEEN hereby certify that a true and correct copy of the enclosed Petition for Political Subdivision Tort Claim Act 42 PA CSA Sec 8350 willful Misconduct, TO The Defendants Common Pleas Clerk of Clearfield County Courthouse and The Attorney General Office as addressed Below BY placing United States Box addressed TO:

Clerk of Court
Clearfield County Courthouse
238 East Market St Suite 228
Clearfield PA 16836

PA Attorney General
Strunkberry Square 15th
Harrisburg PA 17120

Donetta Churchnick
PO Box 1000
Houtzdale PA 16698-1000

Abdul Jideen

TABLE OF CITATIONS & AUTHORITIES

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

ABDUL IDEEN

vs.

DORETTA CHENCHARICK

*

*

*

08-

-CD

ORDER

NOW, this 26th day of August, 2008, the Court being in receipt of the Plaintiff's *pro se* Complaint and request to proceed In Forma Pauperis and upon review of the same being satisfied that the matter is frivolous, pursuant to Rule of Civil Procedure 240(j), it is the ORDER of this Court that the Complaint and IFP request be and are hereby DISMISSED, with prejudice.

The Court further notes the documents submitted by the Plaintiff are only partially legible.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

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

ABDUL IDEEN

vs.

DORETTA CHENCHARICK

*

*

*

08-

-CD

ORDER

NOW, this 26th day of August, 2008, the Court being in receipt of the Plaintiff's *pro se* Complaint and request to proceed In Forma Pauperis and upon review of the same being satisfied that the matter is frivolous, pursuant to Rule of Civil Procedure 240(j), it is the ORDER of this Court that the Complaint and IFP request be and are hereby DISMISSED, with prejudice.

The Court further notes the documents submitted by the Plaintiff are only partially legible.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

ABDULJDEED
CU-6127
PO BOX 1000
Hertzdale Pa 16698-1000

PENNSYLVANIA ATTORNEY GENERAL OFFICE
STRAWBERRY SQUARE 15TH FLOOR
HARRISBURG PA 17120

DEAR ATTORNEY GENERAL:

The Complaint Pursuant 42 PA C.S.A. 8330 Willful
Misconduct PA Political Subdivision That Claims ACT 8330 and Those Indicated
Certificate Service

Respectfully Submitted
AbdulJdeed
PO BOX 1000
Hertzdale Pa 16698-1000

ABDUL IJDEEN CW-6127
PO Box 1000
Holtzdale Pa 16998-1000

Doratta Chouchnick
PO Box 1000
Holtzdale Pa 16998-1000

Notice To Defend

You have been sued in Court. If you must wish to Defend Against The Claims SET FORTH AGAINST YOU THE FOLLOWING PAPERS YOU MUST TAKE THIS COMPLAINT AND NOTICE UPON SERVICE. BY entering A written Appearance or Pleadings Filing The Same With The Courts Your written Objections To The Claims set forth Against You. If you fail to do so the case will proceed without you and a Judgment will be entered Against you for the Relief By The Petitioner.

You should Take This Notice to Your Personal Attorney Immediately. If you do NOT have A Lawyer you should contact The ATTORNEY General Office.

In the Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL STEEN

v.

Loretta Chescharick

Civil Tort Actions at Law

No. _____

ORDER

AND NOW this _____ day of _____ 2008 upon careful consideration
of the foregoing Motion filed by the Petitioner _____

IT IS HEREBY ORDERED AND DECREED that the Relief sought by the Petitioner Granted.
To Proceed on PA Political Subdivision Tort Claim Act Section 8550
Without Misconduct, without Prepayment of Any Fees and Cost thereof.

By the Court

In The Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL IDEEN

V.

Danetta Cherschnick

Civil Tort Action AT LAW

No. _____

Complaint Political Subdivision Tort
Claim Liability of Local Agency
Employee under color State Law

To The Honorable Judges of Said Court:

Petitioner Abdul Ideen CW-6127 concerning the captioned case Unlabeled:

Jurisdiction

The Jurisdiction of the Court is Based upon 42 PA C.S.A. SECTION 8550 and on Political Subdivision Tort Claim Act Willful Misconduct.

1. The Petitioner ABDUL IDEEN is an United States Citizen presently at The State Facility SCI Holtzdale doing sentence 6 to 15 years.
2. Defendant Danetta Cherschnick A Executive Official State Employee of The Department of State stationed at SCI Holtzdale and in her capacity committed Obstruction Justice Violation DOE Code Ethics Retaliation Acts and Offenses on or about Oct 29 2007 March 22, 2008 May 6, 2008 May 11, 2008

3. Defendant is a Civil Service tested employee under a Pennsylvania Department duly organized under the Law of the Commonwealth of PA and located at: PO Box 1000 Haverdale PA 16698-1000.
4. On or about October 29 2007 the Petitioner was falsely and arbitrarily charged with false and fraudulent Misconduct Report 813064 for Assault Reporting Staff Sgt Winkler. Retaliated for Freedom of Speech Filing Grievances violating Petitioner's Legal Status of Good Time Level Status by Habit and Practice. That resulted negligent staff use excessive force was imposed due known illegal and unconstitutional practices procedures and policies.
5. By Extra Unethical measures Deliberate Insubordination Failure To Train Supervise and Discipline known Misconduct by Subordinates State employees Capt Oliver W Grove Sgt Winkler A. Snyder W. Henry H. Ersek Filed False Report Citing Assault under the negligent suicide Joseph Holcomb October 29 2007 after his excessive force violations.
6. Petitioner was found Guilty Filed appeal to Program Review Committee (Hereinafter) (PRC): Decision Estimate decision contending that the procedures employed were contrary to Law Department Directives and/or Regulations. The Committee notes that your appeal is troubling and not consistent with the rationale. Selected Misconduct 813064 is clear and substantiated by staff witnesses and video tape which was reviewed by the Examiner prior to your hearing. In conclusion the Program Review Committee finds that you were afforded a fair and impartial hearing and concur with the Examiner's finding that a preponderance of the evidence supported a Guilty finding. Charge Assault Your appeal is denied.

7. Petitioner filed second appeal Sept November 8, 2007 misconduct 813064 who denied such as well as the actions of the Hearing Examiner and Program Review Committee. The appeal is based on the grounds the procedures were contrary to Law. DOC Policy on Procedures You claim that Sgt Winkler filed false report. This was addressed by the Examiner and Program Review Committee. I find no procedural errors and appeal is denied.
8. The Actual Assault was Retaliatory measure for being denied Access to the Courts Deliberately denied due process transferred further away from home after yet another negligent suicide December 21, 2005 same state employees liable for Clifford Finney Capt Oliver Lt Colonel Sgt Winkler Ensign Kline for unconstitutional practices Policies Procedures contrary department directives and for Regulations.
9. The Petitioner was subjected to yet another false fraudulent report March 22, 2008 665737 non due process report of state employee Sgt Vanier conspiracy style misconduct counter claim Retaliatory fashion for filing Grievances accordance 801 Policy with malice knowledge violate Petitioner's Good Leadership by habit that Resulted dismissal.
10. The Petitioner was subjected to yet another false fraudulent report May 6, 2008 94684 non due process report of state employee Sgt Sheddick conspiracy style misconduct report counter claim by defendant Subordinates willfully Retaliatory fashion for filing Grievances accordance 801 Policy with malice knowledge violate Petitioner's Good Leadership by habit that Resulted Loss Privileges.
11. The Petitioner was confined Shift Commander for violations Class 16 Filing Report B 066397 May 11, 2008 Policy violated Retaliatory for counter claim by defendant Subordinates willfully Retaliatory fashion for Grievances accordance 801 Policy with malice knowledge violate Petitioner's Good Leadership by habit that Resulted 60 days due process violations.

In The Court of Common Pleas of Clearfield
County Pennsylvania

ABDUL EDEEN

V.

DAWNETTE Chenechnick

Civil Tort Action at Law

NO. _____

Memorandum of Law

The Court of Common Pleas of Clearfield County Pennsylvania U.S.A. Jurisdiction to Entertain this Complaint under the PA Political Subdivisions Tort Claims Act 42 PA C.S.A. Sec. 8530 willful misconduct. In any action Against a Employee therefore the damages or Amount of injury caused by the Act of the employee caused is judicially determined that the Act of the employee caused injury and that such Act constituted and constituted a crime actual fraud actual malice or willful misconduct. The provisions of Sections 8543 Relating to Officials Liability Generally 8546 Relating to defense of Official Immunity 8548 Relating to indemnity and 8549 Relating to Limitations on damages shall not apply.

Negligent Misconduct for which officers is not Immune under Pennsylvania Political Subdivisions Tort Claims Act is not deliberate indifference it requires notice or knowledge about the Result or at least Awareness that it is substantially certain to follow. *Dues v. City of Philadelphia* E.D. Pa 11098 6. F. Supp 2d 373 Award of punitive damages Against Police Officers' actions Brought By Arrestee. For Assault and Battery and False Imprisonment was not sufficient to establish willful misconduct that would preclude Police Officer from obtaining indemnity from City under Political Subdivisions Tort Claims Act for Judgment entered against Police Officers in that action For Reckless Conduct might be sufficient to support award of punitive damages. *Rock v. City of Phila* 64 A 2d 289 537 PA Supp 1994.

And the erroneous interpretations of Agency Policies under the Commonwealth Court of Pennsylvania under *Attlesburg* Cite is omitted.

The Pennsylvania Tort Claim Statute provides Adequate Remedy for violations properly Allegedly claimed by Security SD that there is no deprivation of due process of Law *Cannal v. Bristol E.D. PA 1993 829 F. Supp 332.*

Proof of Service

I Abdul Adnan certify that on May 26, 2008 copy of the foregoing was served and placed first-class postage collected United States Box addressed to:

Cleanfield Clerk Office
230 East Market St
Cleanfield PA 16830

Abdul Adnan

In The Court of Common Pleas of Cleveland
County Pennsylvania

ABDUL JADEEN

v.

Denetta Chaschewich

Civil Court Action Law

NO: _____

Certificate of Service

I ABDUL JADEEN hereby certify that a true and correct copy of
the enclosed Petition for Political Subdivision Tort Claim Act 42
PA CSA Sec 8336 with full Misconduct. To the Defendants Common Pleas
of Cleveland County Court House and the Attorney General Office as
addressees Below By placing United States Box addressees TO:

Clerk of Court
Cleveland County Court House
230 East Market St Suite 228
Cleveland PA 16830

PA Attorney General Office
Strawberry Square 15th Floor
Harrisburg PA 17120

Denetta Chaschewich
PO Box 1000
Holtzclaw PA 16698-1000

Abdul Jadeen

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In The Court of Common Pleas of Clearfield County Pennsylvania
Civil Division

Abdul Jabbar
Plaintiff

vs.

Dorretta Choncharick

FILED

SEP 11 2008

W/3:01
William A. Shaw
Prothonotary/Clerk of Courts

NO: 08-1607

Petitioner's application to proceed *Ex parte* Petitioner's

(A) To: Clerk Court The Petitioner states under oath that he is indigent
Respectfully request the Court Grant leave proceed waiver of fee to pay
installments:

(B) Petitioner is without property or income since 7-30-08 retaliation no
Prison Labor

(C) Petitioner is without means communicate family friends spouse due to
Governmental interference Racism nationalism whose violations violate U.S.
Trotter 516 F. Supp 886 MD Tenn 1980.

(D) Petitioner has no stocks bonds earnings or savings accounts.

(E) Petitioner has no Real Estate or cars no motor cycles and no
nominal wages.

Wherefore the document is shown to subject to the Title
18 C.S.A. 4904 Crimes.

Abdul Jabbar