

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Alton D. Brown,
Petitioner

v.

Pa. Dept. of Corrections, and
Jeffrey A. Beard,
Respondents :

No. 594 M.D. 2008

PER CURIAM

ORDER

Now, January 13, 2009, upon consideration of respondents' motion to dismiss petition for review pursuant to Section 6602(f) of the Prison Litigation Reform Act (PLRA) and petitioner's response thereto, the motion is granted, and the petition for review is dismissed.

Petitioner has filed a civil action in this court's original jurisdiction alleging, inter alia, that prison staff has issued a "bogus" misconduct report accusing him of destroying library materials and otherwise interfered with his "legal efforts" (i.e., library access and legal mail) in retaliation for his litigious behavior. He avers that said acts have resulted in the dismissal of some of his legal actions, and that prison officials have failed to enforce prison policies in their attempts to retaliate against him and to sabotage his legal efforts.

Petitioner has previously had at least three cases dismissed under Section 6602(e)(2) of the PLRA on the basis that they were frivolous.

In Brown v. Pa. Department of Corrections, 913 A.2d 301 (Pa. Cmwlth. 2006), this court upheld a trial court's dismissal of his prison conditions litigation pursuant to 42 Pa. C.S. 6602(f)(1) because petitioner is an abusive litigator, having had at least three prior civil actions dismissed as frivolous. Accordingly, we exercise our discretion as permitted by the PLRA and dismiss this matter.

Certified from the Record

JAN 14 2009

and Order Exit