

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:00-cv-05773-JP**

BURKE v. DARK, et al
Assigned to: HONORABLE JOHN R. PADOVA
Demand: \$0
Case in other court: 01-01877
02-01889
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/14/2000
Date Terminated: 03/20/2001
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

MR. SEAN BURKE

represented by **SEAN BURKE**
PRO SE

SEAN BURKE
S.C.I. PITTSBURGH
P.O. BOX 99901
PITTSBURGH, PA 15233
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

MR. LEON O. DARK
TERMINATED: 01/29/2002

Defendant

MS. VIVIAN T. MILLER
TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
CITY OF PHILA LAW DEPT
1515 ARCH ST., 14TH FL
PHILADELPHIA, PA 19102
TERMINATED: 03/08/2001
LEAD ATTORNEY

Defendant

MR. CLAUDE HARRISON
TERMINATED: 01/29/2002

Defendant

MS. VERONICA SABLOSKY

TERMINATED: 01/29/2002

Defendant

MS. VIVIAN L. PRICE

TERMINATED: 01/29/2002

Defendant

MS. JANET FASY DOWDS

TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
(See above for address)
TERMINATED: 03/08/2001
LEAD ATTORNEY

Defendant

MR. KEVIN FLANAGAN

TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
(See above for address)
TERMINATED: 03/08/2001
LEAD ATTORNEY

Defendant

MR. CHARLES EPPS

TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
(See above for address)
TERMINATED: 03/08/2001
LEAD ATTORNEY

Defendant

MS. ROBIN MILLER

TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
(See above for address)
TERMINATED: 03/08/2001
LEAD ATTORNEY

Defendant

MS. CAROLYN FRIEND

TERMINATED: 03/08/2001

represented by **ROBIN B. ARNOLD**
(See above for address)
TERMINATED: 03/08/2001
LEAD ATTORNEY

Date Filed	#	Docket Text
11/14/2000	1	MOTION by PLAINTIFF SEAN BURKE TO PROCEED IN FORMA PAUPERIS . (tj) (Entered: 11/14/2000)
11/14/2000		Standard Case Management Track. (tj) (Entered: 11/14/2000)
11/16/2000	2	MEMORANDUM AND ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS WITHOUT PREJUDICE TO ITS REASSERTION IN ACCORDANCE WITH THE TERMS OF THIS ORDER; IF PLFF FILES WITH THE COURT WITHIN 20 DAYS FROM THE DATE OF THIS ORDER A NOTICE THAT HE WISHES TO PROCEED WITH THIS ACTION AND THEREBY OBLIGATE HIMSELF TO PAY THE \$150 FILING FEE, THIS ACTION WILL BE REINSTATED; AND THE CLERK SHALL CLOSE THIS ACTION STATISTICALLY. (SIGNED BY JUDGE JOHN R. PADOVA) 11/16/00 ENTERED AND COPY MAILED. (gm) (Entered: 11/16/2000)
11/16/2000		Case closed (kv) (Entered: 11/17/2000)
12/01/2000	3	Plaintiff has submitted an official notice to the Court that he is proceeding with this civil action filed and obligates himself to pay the full \$150.00 filing fee, etc., statement. (gm) (Entered: 12/01/2000)
12/05/2000	4	ORDER THAT: PLFF SHALL PAY THE FILING FEE OF \$150; PLFF IS ASSESSED AN INITIAL PARTIAL FILING FEE OF \$5.22. THE SUPT AT SCI MAHANOY IS DIRECTED TO DEDUCT \$5.22 FROM PLFF'S INMATE ACCOUNT, ETC. THE CLERK IS DIRECTED TO FORWARD A COPY OF THIS ORDER TO THE SUPT OF SCI MAHANOY AND THE CLERK SHALL REOPEN THIS CASE STATISTICALLY. (SIGNED BY JUDGE JOHN R. PADOVA) 12/5/00 ENTERED AND COPIES MAILED. (gm) (Entered: 12/05/2000)
12/05/2000		Case reopened (kv) (Entered: 12/07/2000)
12/14/2000	5	ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS PUR TO 28 USC S1915. THE COMPLAINT IS TO BE FILED, THE SUMMONSES ARE TO ISSUE, SERVICE OF THE SUMMONSES AND COMPLAINT IS TO BE MADE UPON THE DEFTS BY THE U S MARSHALS IN THE EVENT THAT WAIVER OF SERVICE IS NOT EFFECTED, ETC. (SIGNED BY JUDGE JOHN R. PADOVA) 12/14/00 ENTERED AND COPIES MAILED. (gm) (Entered: 12/14/2000)
12/14/2000	6	Complaint. (gm) (Entered: 12/14/2000)

12/14/2000	7	Request for Waiver of Service by PLAINTIFF SEAN BURKE as to DEFENDANT LEON O. DARK, DEFENDANT VIVIAN T. MILLER, DEFENDANT CLAUDE HARRISON, DEFENDANT VERONICA SABLOSKY, DEFENDANT VIVIAN L. PRICE, DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN, DEFENDANT CHARLES EPPS, DEFENDANT ROBIN MILLER, DEFENDANT CAROLYN FRIEND 12/14/00; Waiver of Service due by 1/13/01 for LEON O. DARK, for VIVIAN T. MILLER, for CLAUDE HARRISON, for VERONICA SABLOSKY, for VIVIAN L. PRICE, for JANET FASY DOWDS, for KEVIN FLANAGAN, for CHARLES EPPS, for ROBIN MILLER, for CAROLYN FRIEND. (gm) (Entered: 12/14/2000)
12/14/2000	28	MOTION BY PLAINTIFF SEAN BURKE FOR APPOINTMENT OF COUNSEL . (gm) (Entered: 03/08/2001)
01/02/2001	8	MOTION BY PLAINTIFF SEAN BURKE FOR ENLARGEMENT OF TIME , CERTIFICATE OF SERVICE. (rp) (Entered: 01/03/2001)
01/02/2001	9	Request by PLAINTIFF SEAN BURKE to amend and file the following supplementary pleadings, and amendments, etc.. (fb) (Entered: 01/03/2001)
01/09/2001	10	Brief by PLAINTIFF SEAN BURKE in support of original and amended matters of complaint, Certificate of Service. (fb) (Entered: 01/09/2001)
01/10/2001	11	ORDER THAT PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME IS DISMISSED AS MOOT. NO BRIEF IS NECESSARY AT THIS TIME. (SIGNED BY JUDGE JOHN R. PADOVA) 1/10/01 ENTERED AND COPIES MAILED. (fh) (Entered: 01/10/2001)
01/16/2001		Summons(es) issued. Forwarded to: U.S.MARSHAL (10 285 FORMS) 1/17/01. (gm) (Entered: 01/17/2001)
01/18/2001	12	Appearance of ROBIN B. ARNOLD for DEFENDANT VIVIAN T. MILLER, DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN, DEFENDANT CHARLES EPPS, DEFENDANT ROBIN MILLER, DEFENDANT CAROLYN FRIEND. (fh) (Entered: 01/19/2001)
01/18/2001	13	Demand for Jury Trial by DEFENDANT VIVIAN T. MILLER, DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN, DEFENDANT CHARLES EPPS, DEFENDANT ROBIN MILLER, DEFENDANT CAROLYN FRIEND. (fh) (Entered: 01/19/2001)

01/18/2001	14	Notice of change of address by SEAN BURKE. (gm) (Entered: 01/19/2001)
01/22/2001	15	Notice of change of address by SEAN BURKE. (gm) (Entered: 01/23/2001)
01/24/2001	16	MOTION by DEFENDANT VIVIAN T. MILLER, DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN, DEFENDANT CHARLES EPPS, DEFENDANT ROBIN MILLER, DEFENDANT CAROLYN FRIEND TO DISMISS THE PLAINTIFF'S COMPLAINT , CERTIFICATE OF SERVICE. (fh) (Entered: 01/24/2001)
02/07/2001	17	Response (brief) by PLAINTIFF SEAN BURKE in opposition to defendants' MOTION TO DISMISS, Certificate of Service. (gm) (Entered: 02/07/2001)
02/07/2001	18	Request for entry of default by PLAINTIFF SEAN BURKE for failure to respond. (gm) (Entered: 02/07/2001)
02/14/2001	19	DEFENDANT VIVIAN T. MILLER, DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN, DEFENDANT CHARLES EPPS, DEFENDANT ROBIN MILLER, DEFENDANT CAROLYN FRIEND'S Response to PLAINTIFF'S Reply to DEFENDANT'S MOTION TO DISMISS THE PLAINTIFF'S COMPLAINT, Certificate of Service. (fh) (Entered: 02/15/2001)
02/20/2001	20	Request for entry of default judgment by PLAINTIFF SEAN BURKE, affidavit. (gm) (Entered: 02/20/2001)
02/20/2001	21	ORDER THAT UPON CONSIDERATION OF PLFF'S LETTER REQUEST FOR ENTRY OF DEFAULT IT IS HEREBY ORDERED THAT SAID REQUEST IS DENIED, ETC. (SIGNED BY JUDGE JOHN R. PADOVA) 2/21/01 ENTERED AND COPIES MAILED. (gm) (Entered: 02/21/2001)
02/23/2001	22	Request for entry of default judgment by PLAINTIFF SEAN BURKE (defts Veronica Sablosky, Vivian Price and Claude Harrison), Affidavit. (gm) (Entered: 02/26/2001)
02/23/2001	23	Request for entry of default (deft Leon O. Dark) by PLAINTIFF SEAN BURKE, Affidavit. (gm) (Entered: 02/26/2001)
02/23/2001	24	Return of service executed as to DEFENDANT JANET FASY DOWDS, DEFENDANT KEVIN FLANAGAN 2/7/01. (gm) (Entered: 02/26/2001)
02/23/2001	25	Return of service executed as to DEFENDANT VIVIAN T. MILLER, DEFENDANT CHARLES EPPS, DEFENDANT CAROLYN FRIEND 2/21/01. (gm) (Entered: 02/26/2001)

02/23/2001	26	Return of service unexecuted as to DEFENDANT LEON O. DARK, DEFENDANT CLAUDE HARRISON, DEFENDANT VERONICA SABLOSKY, DEFENDANT VIVIAN L. PRICE, DEFENDANT ROBIN MILLER. (gm) (Entered: 02/26/2001)
03/05/2001	27	Response (reply) by PLAINTIFF SEAN BURKE to defendants' response to plaintiff's reply to defendants' motion to dismiss the plaintiff's complaint, Certificate of Service. (gm) (Entered: 03/06/2001)
03/08/2001	29	MEMORANDUM AND ORDER THAT UPON CONSIDERATION OF DEFTS MOTION TO DISMISS (#16) IT IS HEREBY ORDERED THAT SAID MOTION IS GRANTED: ALL CLAIMS MADE IN THE COMPLAINT AGAINST DEFTS VIVIAN MILLER, JANET DOWDS, KEVIN FLANAGAN, CHARLES EPPS, ROBIN MILLER AND CAROLYN FRIEND ARE DISMISSED. (SIGNED BY JUDGE JOHN R. PADOVA) 3/9/01 ENTERED AND COPIES MAILED. (gm) (Entered: 03/09/2001)
03/14/2001	30	ORDER THAT UPON CONSIDERATION OF DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL (#28), IT IS HEREBY ORDERED THAT SAID MOTION IS DENIED, ETC. (SIGNED BY JUDGE JOHN R. PADOVA) 3/15/01 ENTERED AND COPIES MAILED. (gm) (Entered: 03/15/2001)
03/15/2001	31	MOTION BY PLAINTIFF SEAN BURKE FOR LIMITED DISCOVERY FOR THE OBTAINMENT OF DEFENDANTS LAST KNOWN RESIDENTIAL ADDRESSES OR PRESENT RESIDENTIAL OR EMPLOYMENT ADDRESSES FOR DEFENDANTS VERONICA SABLOSKY, VIVIAN PRICE, CLAUDE HARRISON, AND LEON O. DARK, POST MORTEM FROM THEIR PAST SUPERVISORS OR SUCCESSORS OF THEIR PAST SUPERVISORS OR PAST COLLEAGUES TO EFFECT SERVICE OF SUMMONS AND COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (gm) (Entered: 03/16/2001)
03/19/2001	32	ORDER THAT ALL CLAIMS AGAINST DEFENDANTS CLAUDE HARRISON, VERONICA SABLOSKY, VIVIAN PRICE AND LEON DARK ARE DISMISSED, ETC. IT IS FURTHER ORDERED THAT PLFF'S MOTION FOR LIMITED DISCOVERY IS DISMISSED AS MOOT AND THE CLERK OF COURT IS ORDERED TO CLOSE THIS CASE FOR STATISTICAL PURPOSES. (SIGNED BY JUDGE JOHN R. PADOVA) 3/19/01 ENTERED AND COPIES MAILED. (gm) (Entered: 03/19/2001)

03/20/2001		Case closed (soc) (Entered: 03/20/2001)
03/21/2001	33	MOTION BY PLAINTIFF SEAN BURKE FOR RECONSIDERATION , MEMORANDUM, CERTIFICATE OF SERVICE. (gm) (Entered: 03/22/2001)
04/09/2001	34	Affidavit by PLAINTIFF SEAN BURKE in support of motion to proceed on appeal in forma pauperis to the Third Circuit Court, certificate of service. (gm) (Entered: 04/09/2001)
04/09/2001	35	Notice of appeal by PLAINTIFF SEAN BURKE. Fee Status: ifp . Copies to: JUDGE JOHN R. PADOVA, Clerk USCA, Appeals Clerk, and VIVIAN L. PRICE, VERONICA SABLOSKY, CLAUDE HARRISON, LEON O. DARK, ROBIN B. ARNOLD. (gm) (Entered: 04/09/2001)
04/09/2001	36	Copy of Clerk's notice to USCA re: appeal. (gm) (Entered: 04/09/2001)
04/09/2001	37	ORDER THAT UPON CONSIDERATION OF DEFT'S MOTION FOR RECONSIDERATION (#33) IT IS HEREBY ORDERED THAT SAID MOTION IS DENIED, ETC. (SIGNED BY JUDGE JOHN R. PADOVA) 4/10/01 ENTERED AND COPIES MAILED. (gm) (Entered: 04/10/2001)
04/10/2001		CERTIFIED AND TRANSMITTED RECORD ON APPEAL TO U.S. COURT OF APPEALS (Pleadings # 18, 33, 34, not included). (jpd) Modified on 04/10/2001 (Entered: 04/10/2001)
04/13/2001		Notice of Docketing ROA from USCA Re: [35-1] appeal USCA NUMBER: 01-1877 . 4/12/01 (jpd) (Entered: 04/13/2001)
06/04/2001	38	Certified copy of order from USCA that this appeal will be submitted to a panel of the Court for determination under 28 USC S1915(E)(2), etc. (gm) (Entered: 06/05/2001)
09/27/2001		Filing Fee Paid; filing fee \$ 45.48 receipt # 772147 (gm) (Entered: 09/28/2001)
12/05/2001		Filing Fee Paid; filing fee \$ 10.24 receipt # 777243 (gm) (Entered: 12/06/2001)
01/04/2002	39	MOTION by PLAINTIFF SEAN BURKE FOR RELIEF FORM JUDGMENT OR ORDER , MEMORANDUM, CERTIFICATE OF SERVICE. (jpd) (Entered: 01/07/2002)
01/29/2002	40	ORDER THAT DEFENDANTS SHALL FILE AN ANSWER TO PLAINTIFF'S "MOTION FOR RELIEF FROM JUDGMENT" ON OR BEFORE FEBRUARY 6, 2002 . (SIGNED BY JUDGE JOHN R. PADOVA) 1/30/02 ENTERED AND COPIES MAILED. (gm)

		(Entered: 01/30/2002)
02/04/2002	41	Response by DEFENDANTS to MOTION FOR RELIEF FORM JUDGMENT OR ORDER , Certificate of Service. (jpd) (Entered: 02/05/2002)
02/20/2002	42	ORDER THAT PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT OR ORDER IS DENIED (SIGNED BY JUDGE JOHN R. PADOVA) 2/21/02 ENTERED AND COPIES MAILED. (mbh) (Entered: 02/21/2002)
02/28/2002		Partial Filing Fee Paid; filing fee \$7.36 receipt #784129. (fb) (Entered: 03/01/2002)
03/04/2002	43	Request by PLAINTIFF SEAN BURKE for leave to file a supplemental pleading, memorandum, cert of service. (gm) (Entered: 03/05/2002)
03/04/2002	44	Response (reply) by PLAINTIFF SEAN BURKE to the defendants' response to the plaintiff's motion for relief from judgment or order, memorandum, certificate of Service. (gm) (Entered: 03/05/2002)
03/07/2002	45	ORDER THAT PLAINTIFF "REQUEST FOR LEAVE TO FILE A SUPPLEMENTAL PLEADING" IS DENIED AS MOOT; ETC. (SIGNED BY JUDGE JOHN R. PADOVA) 3/8/02 ENTERED AND COPIES MAILED . (jl) (Entered: 03/08/2002)
04/01/2002	46	Notice of appeal by PLAINTIFF SEAN BURKE, Cert of Service. Fee Status: PENDING. Copies to: JUDGE JOHN R. PADOVA, Clerk USCA, Appeals Clerk, and VIVIAN L. PRICE, VERONICA SABLOSKY, CLAUDE HARRISON, LEON O. DARK, ROBIN B. ARNOLD. (gm) (Entered: 04/02/2002)
04/01/2002	47	Copy of Clerk's notice to USCA re: appeal. (gm) (Entered: 04/02/2002)
04/08/2002		First Transmitted supplemental record on appeal.(Pleadings # 33, 34, 37-47, included). (ke) (Entered: 04/08/2002)
04/08/2002		Notice of Docketing ROA from USCA Re: appeal USCA NUMBER: 02-1889. 4/8/02 (gm) (Entered: 04/09/2002)
04/09/2002	48	ORDER THAT PLFF'S APP FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL (#4) IS GRANTED. (SIGNED BY JUDGE JOHN R. PADOVA) 4/10/02 ENTERED AND COPIES MAILED. (gm) (Entered: 04/10/2002)
04/12/2002		Second Transmitted supplemental record on appeal.(Pleading # 48, included). (ke) (Entered: 04/12/2002)

04/24/2002		Filing Fee Paid; filing fee \$ 17.68 receipt # 788959 (gm) (Entered: 04/25/2002)
04/30/2002	49	Certified copy of order from USCA that the foregoing motion to proceed in forma pauperis is denied as unnecessary in light of the District Court's order, etc. This appeal may be submitted to a panel of the Court for determination, etc. The Court also may consider whether any other appropriate action such as summary affirmance of the order of the District Court is appropriate. (gm) (Entered: 05/01/2002)
05/09/2002		Filing Fee Paid; filing fee \$ 13.06 receipt # 790398 (gm) (Entered: 05/10/2002)
06/10/2002		Filing Fee Paid; filing fee \$ 6.16 receipt # 793047 (gm) (Entered: 06/11/2002)
10/29/2002	50	Certified copy of order from USCA dated: 10/30/02 TERMINATING appeal; Judgment and Opinion by this court that the appeal is dismissed, etc. All of the above in accordance with the opinion of this Court. (gm) (Entered: 10/30/2002)
01/31/2003	51	Certified copy of order from USCA dated: 11/19/02 TERMINATING [46-1] appeal, it is now here ordered and adjudged by this court that the appeal is dismissed under 28 U.S.C. Section 1915(e)(2)(B), etc.. (fb) (Entered: 01/31/2003)
01/31/2003		Record on appeal returned from U.S. Court of Appeals. (Including first and second supplemental records). (fb) (Entered: 01/31/2003)