

cc

3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD CARTER, et al.

v.

ROBERT P. CASEY, et al.

:
:
:
:
:

CIVIL ACTION NO. 90-5755

FILED

OCT 5 1990

MICHAEL J. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 2nd day of October, 1990, IT IS ORDERED

as follows:

1. Leave is granted for all plaintiffs to proceed in forma pauperis and the Clerk is directed to file plaintiffs' pleadings.
2. The within case is DISMISSED as frivolous pursuant to 28 U.S.C. 1915(d).¹

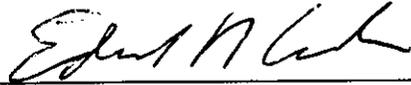
1. Plaintiffs allege that they, as individuals, are victims of discrimination against persons without assets. They claim their rights under the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution have been violated in a systematic manner. More specifically, they claim a life sentence without real possibility of commutation is constitutionally infirm. There is no precedent to support this contention and it is frivolous. They next claim that Pennsylvania juries are not educated in the "arts and sciences of the law, and therefore proceed under false pretenses." This contention is also frivolous.

Plaintiffs aver that their constitutional rights have been violated by the introduction of their Viet Nam military records at the sentencing phase in their cases. The defendants in this case had nothing to do with the evidentiary rulings at plaintiffs' trials. Even if the trial courts' evidentiary rulings were incorrect, those incorrect rulings do not support a damage claim on behalf of these plaintiffs. Finally, plaintiffs claim that in the Commonwealth of Pennsylvania counsel is assigned in capital cases without adequate screening and compensation. These are matters which must be raised in the criminal appellate process and do not, even if correct, support a damage claim.

A. G. [unclear]
[unclear]
[unclear]

4

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Edward N. Cahn".

Edward N. Cahn, J.