

**United States District Court
Middle District of Pennsylvania (Scranton)
CIVIL DOCKET FOR CASE #: 3:99-cv-00234-JMM**

Cook v. Kyler, et al
Assigned to: Honorable James M. Munley
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/11/1999
Date Terminated: 12/13/1999
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Peter Cook

represented by **Peter Cook**
BI-9152
SCI-SOMERSET
SPECIAL MAIL - OPEN ONLY
IN THE PRESENCE OF THE
INMATE
1590 Walters Mill Road
Somerset, PA 15510
Somerset
PRO SE

V.

Defendant

Kenneth Kyler

represented by **Michael A. Farnan**
The Farnan Law Office
3710 Forbes Ave.
3rd Floor
Pittsburgh, PA 15213
412.592.7737
Email:
mfarnan@farnanlawoffice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Ward

represented by **Michael A. Farnan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Howard Imschwieler

represented by **Michael A. Farnan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mr. Gimble

represented by **Michael A. Farnan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/1999	1	COMPLAINT - pltf alleges mistreatment, etc. (rm) (Entered: 02/17/1999)
02/11/1999	2	MOTION by plaintiff Peter Cook to amend pleadings (rm) (Entered: 02/17/1999)
02/11/1999	3	APPLICATION by plaintiff Peter Cook to proceed ifp. (rm) (Entered: 02/17/1999)
02/11/1999	4	Authorization by pltf Peter Cook allowing prison to submit copy of prisoner's trust fund account to the court, & approving entire filing fee to be deducted from inmate account. (rm) (Entered: 02/17/1999)
02/11/1999	5	ADMINISTRATIVE ORDER sent to Prison Superintendent/Warden as to plaintiff Peter Cook (cc: Superintendent/Warden, prisoner, Financial) (rm) (Entered: 02/17/1999)
02/11/1999	6	STANDING PRACTICE ORDER re Practices & procedures. (cc: all counsel) (rm) (Entered: 02/17/1999)
02/11/1999		PRISONER LETTER issued as to plaintiff Peter Cook with Notice and Consent Form U.S. Marshal Form (rm) (Entered: 02/17/1999)
02/17/1999		CASE FILE TO J.BLEWITT; docket copy to J.Munley. (rm) (Entered: 02/17/1999)
02/24/1999	7	AFFIDAVIT of Warden regarding order [5-1] for pltf's finan info. (rm) (Entered: 02/28/1999)

02/28/1999		7 to J.Blewitt. (rm) (Entered: 02/28/1999)
03/03/1999	8	ORDER by Mag. Judge Thomas M. Blewitt; IT IS HEREBY ORDERED THAT: 1. Plf's motion to amend (Doc 2) is GRANTED. 2. The plf shall file an am compl on or by March 23, 1999. 3. The am compl shall properly allege a claim under 42 USC Sec 1983. 4. The am compl shall be filed to the same docket number as the instant action and shall be entitled "Amended Complaint". 5. The amended compl shall be complete in all respects. 6. Failure to timely file an amd compl may result in a recommendation that this action be dismissed. Copy to plf. (jb) (Entered: 03/03/1999)
03/03/1999		REMARK - Doc #8 to J.Blewitt (jb) (Entered: 03/03/1999)
03/15/1999	9	AMENDED complaint [1-1] by pltf. (rm) (Entered: 03/18/1999)
03/18/1999		9 to J.Blewitt. (rm) (Entered: 03/18/1999)
04/07/1999	10	ORDER by Mag. Judge Thomas M. Blewitt; IT IS HEREBY ORDERED that the Clerk of Court is directed to serve plfs' amended compl (Doc 9) in accordance with Rule 4 of the FRCP. The defts are requested to waive service pursuant to Rule 4(d) of the FRCP. (The Marshal will send the form Notice of Lawsuit and Request for Waiver of Service of Summons to each deft). Copy to plf. (jb) (Entered: 04/07/1999)
04/07/1999		SUMMONS ISSUED as to defendants and with copy of Amd Compl, Prac Order and Order given to US Marshal for service. (jb) (Entered: 04/07/1999)
04/12/1999	11	LETTER to court from plaintiff dated 4/6/99 requesting filing fewer copies, or assistance of cn, or order defts to provide needed material. (more paper) (Exhibits attached to same request in 97-1814) (jb) (Entered: 04/14/1999)
04/14/1999		REMARK - doc #11 to MJ Blewitt (jb) (Entered: 04/14/1999)
04/15/1999	12	ORDER by Mag. Judge Thomas M. Blewitt; IT IS HEREBY ORDERED that plf's Request for Filing Fewer Copies or for Assistance (Doc 11) is GRANTED only to the extent that plf shall be permitted to file only 1 copy of each document he submits to the Court. Copy to plf. (jb) (Entered: 04/16/1999)
04/16/1999		REMARK - Doc #12 to MJ BLewitt (jb) (Entered: 04/16/1999)
04/29/1999	13	WAIVER OF SERVICE OF SUMMONS returned as to defendant Kenneth Kyler, defendant William Ward, defendant Howard Imschwieler, defendant Gimble ;request sent 4/8/99. (rm) (Entered: 05/03/1999)

05/03/1999		13 to J.Blewitt. (rm) (Entered: 05/03/1999)
06/07/1999	14	NOTICE by plaintiff Peter Cook OF CHANGE OF ADDRESS. (rm) (Entered: 06/08/1999)
06/07/1999	15	MOTION by defendants to dismiss the complaint for failure to state a claim upon which relief can be granted with proposed order and c of s. (jc) (Entered: 06/08/1999)
06/08/1999		14 to J.Blewitt. (rm) (Entered: 06/08/1999)
06/08/1999		REMARK - Document 15 sent to Scranton. (jc) (Entered: 06/08/1999)
06/18/1999	16	BRIEF by defendants IN SUPPORT of motion to dismiss the complaint for failure to state a claim upon which relief can be granted [15-1]; C/S. (vg) (Entered: 06/21/1999)
06/18/1999	17	APPENDIX filed by defendants in support of motion to dismiss the complaint for failure to state a claim upon which relief be granted [15-1]; C/S. (vg) (Entered: 06/21/1999)
06/21/1999		REMARK - Docs. #16 and #17 to M.J. Blewitt. (vg) (Entered: 06/21/1999)
06/29/1999	18	BRIEF by plaintiff Peter Cook IN OPPOSITION to motion to dismiss the complaint for failure to state a claim upon which relief can be granted [15-1] ;reply brief due 7/12/99 with attached exhibits and c/s. (ts) (Entered: 06/29/1999)
06/29/1999	19	LETTER entitled "memorandum letter" to court from plaintiff Peter Cook RE: Mail received by plaintiff; with c/s. (ts) (Entered: 06/29/1999)
06/29/1999		REMARK -Docs [18-19] to M.J. Blewitt (ts) (Entered: 06/29/1999)
07/12/1999	20	REPLY BRIEF by defendants IN SUPPORT of motion to dismiss the complaint for failure to state a claim upon which relief be granted [15-1]; with c/s. (sc) (Entered: 07/13/1999)
07/13/1999		REMARK - Doc #20 sent to MJ Blewitt in Scranton. (sc) (Entered: 07/13/1999)
08/23/1999	21	REQUEST by plaintiff Peter Cook for a copy of a document in the case file of 1:95-cv-1732 (cl) (Entered: 08/23/1999)
09/20/1999	22	MOTION by plaintiff Peter Cook for judgment on the pleadings & c/s. (rm) (Entered: 09/21/1999)
09/21/1999		220 to J.Blewitt. (rm) (Entered: 09/21/1999)

09/27/1999	23	ORDER by Mag. Judge Thomas M. Blewitt; IT IS HEREBY ORDERED THAT: 1. Plf's Motion for Judgement (sic) on the Pleadings (Doc 22) is construed as a motion for the court to rule. 2. Said motion is GRANTED only insomuch as def't's motion to dismiss will be addressed when the Court's schedule permits. Copy to plf and cn. (jb) (Entered: 09/28/1999)
09/28/1999		REMARK - DOC #23 to MJ Blewitt (jb) (Entered: 09/28/1999)
11/18/1999	24	Report and Recommendation by Mag. Judge Thomas M. Blewitt recommending that the complaint be dismissed without prejudice pursuant to 28 USC Sec 1915(e)(2)(B)(ii) for failing to state a claim upon which relief may be granted, in that plf has failed to exhaust administrative remedies pursuant to 42 USC Sec 1997e(a). NOTICE; Exceptions to be filed within 10 days. objections to R and R due 12/8/99 (cc: plf, counsel and court) (jb) (Entered: 11/22/1999)
11/19/1999	25	MOTION by plaintiff Peter Cook to amend following facts w/attachmts & cs/. (rm) (Entered: 11/29/1999)
11/22/1999		REMARK - File to clerks office, RR section (jb) (Entered: 11/22/1999)
12/03/1999	26	BRIEF by defendants IN OPPOSITION to motion to amend following facts [25-1]; reply brief due 12/16/99; with exhibits and c/s. (sc) (Entered: 12/06/1999)
12/06/1999		REMARK - Doc #26 sent to Scranton. (sc) (Entered: 12/06/1999)
12/09/1999		REMARK -case file w/ copy of docket to Judge Munley (cl) (Entered: 12/09/1999)
12/13/1999	27	ORDER by Judge James M. Munley (1) adopting report & recommendation [24-1]. (2) denying Pltf's motion to amend following facts [25-1]. (3) Clerk to close this case. (cc: all counsel court) (rm) (Entered: 12/16/1999)
01/09/2000		Case file to 60 day hold. (rm) (Entered: 01/09/2000)