

MIGUEL JOSE GARCIA

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

v.

WILLIAM WOLFE, HAROLD HECKLER,
GENE ZARNICK, RON BRYANT, JAMES
BENTLEY, and the PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

NO. 14504 - 2002

ORDER

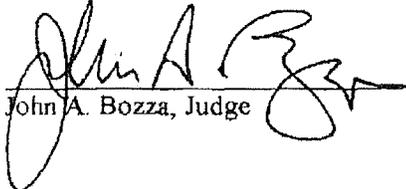
AND NOW, to-wit, this 5 day of September, 2003, upon consideration of the Preliminary Objections filed on behalf of the defendants, and argument thereon, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

1. The Preliminary Objections in which the defendants allege: service was improper; the Department of Corrections is not a person under 42 U.S.C.S. § 1983; state tort actions against the defendants are barred by sovereign immunity; individual defendants cannot be sued under the Americans with Disabilities Act and Rehabilitation Act; and prisoners are not entitled to employment while in prison are **SUSTAINED**, resulting in the dismissal of the plaintiff's cause of action;
2. as a result of the sustaining of the other Preliminary Objections, the Court need not address the defendants' allegations that the plaintiff's suit was barred by the applicable statute of limitations and that defendant William Wolfe had no personal involvement in this action, as these objections depend on factual disputes and the statute of limitations issue may not be addressed by means of preliminary objections.

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CLERK OF COURT
PRISON DEPARTMENT
COMMON PLEAS COURT
ERIE, PA

By the Court,



John A. Bozza, Judge

cc: Rodney M. Torbic, Esquire
Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Miguel Jose Garcia
DC-7048
SCI-Albion
10745 Route 18
Albion, PA 16475-0002