

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,  
PENNSYLVANIA  
CRIMINAL DIVISION

GREGORY LAMONT HUGHES,  
pro se,  
Petitioner

v.

No. 1064-81

DONALD T. VAUGHN,  
SUPERINTENDENT STATE  
CORRECTIONAL INSTITUTION AT  
GRATERFORD,  
Respondent

ORDER

AND NOW, this 28<sup>th</sup> day of August, 2002, upon consideration of  
Petitioner's Petition to Appeal to Superior Court In Forma Pauperis against this Court's  
Order dated July 19, 2002, it is hereby **ORDERED AND DECREED** that Petitioner's  
Petition is **DENIED** because the appeal is frivolous, lacking any basis in law or fact, for  
the following reasons:

1. The return of personal property is a civil matter and cannot be tacked onto a  
criminal proceeding, Petition for Writ of Habeas Corpus, which has already  
been dismissed.
2. Suits challenging misconduct determinations by prison officials are not within  
the court's original jurisdiction unless such misconduct violates a prohibition  
in the Constitution or is arbitrary or capricious.

3. Petitioner has available to him a process for grieving alleged wrongs, DC ADM 801, which is to be used prior to invoking the court's jurisdiction.

Petitioner has failed to use this process.

BY THE COURT:

  
\_\_\_\_\_ J.

Copies sent 8/28/02 to:

District Attorney  
Public Defender  
Marsha Davis, Office of Chief Counsel  
Gregory L. Hughes DB5807, SCI Graterford