

General Docket
Third Circuit Court of Appeals

Court of Appeals Docket #: 06-4630
Nature of Suit: 3550 Prisoner-Civil Rights
Phippen v. Nish, et al
Appeal From: U.S. District Court for the District of Middle Pennsylvania
Fee Status: PLRA

Docketed: 10/31/2006
Termed: 05/08/2007

Case Type Information:

- 1) civil
- 2) private
- 3) Civil Rights-prisoner

Originating Court Information:

District: 0314-3 : [05-cv-01446](#)
District Judge: Thomas I. Vanaskie, U.S. District Judge
Date Filed: 07/19/2005
Date Order/Judgment: 10/06/2006

Date NOA Filed:
10/27/2006

Prior Cases:

None

Current Cases:

None

CLARENCE PHIPPEN (#EB-4632)
Plaintiff - Appellant

Clarence Phippen
[NTC Pro Se]
Waymart SCI
P.O. Box 256
Route #6
Waymart, PA 18472-0000

v.

JOSEPH P. NISH
Defendant - Appellee

William E. Fairall, Jr., Esq.
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[COR NTC State Government]
Pennsylvania Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050

DONALD JONES, Hearing Examiner, SCI Waymart
Defendant - Appellee

William E. Fairall, Jr., Esq.
Direct: 717-728-7763
[COR NTC State Government]
(see above)

CLARENCE PHIPPEN,

Appellant

v.

JOE NISH, Warden, SCI Waymart;
DONALD JONES, Hearing Examiner, SCI Waymart

10/31/2006 CIVIL CASE DOCKETED. Notice filed by Clarence Phippen. (CMH)

10/31/2006 RECORD available on District Court CM/ECF. (CMH)

11/13/2006 APPEARANCE from Attorney William E. Fairall on behalf of Appellees Joseph P. Nish and Donald Jones, filed. (CMH)

11/15/2006 MOTION by Appellant Clarence Phippen to proceed in forma pauperis, filed. Answer due 11/20/06. Certificate of Service dated 11/3/06. (CMH)

11/15/2006 IN FORMA PAUPERIS PRISONER ADDENDUM, filed. (CMH)

11/16/2006 IN FORMA PAUPERIS PRISONER AUTHORIZATION, filed. (CMH)

11/16/2006 PRISONER ACCOUNT STATEMENT, filed. (CMH)

11/17/2006 ORDER (Clerk) granting Appellant's motion to proceed in forma pauperis. The prison is directed to make initial assessment and forward all payments to the District Court. The appeal will be submitted to a panel of this court for determination under 28 U.S.C. section 1915(e)(2), filed. FPS-075 (CMH)

11/17/2006 Certified copy of order to Lower Court. (CMH)

11/17/2006 Certified copy of order to Warden. (CMH)

12/15/2006 Letter dated 12/12/06 received from Appellant describing prison conditions and advising that "all of my legal work should be put on hold". (CMH)

12/29/2006 Letter dated 12/26/06 from Appellant entitled "Put case on hold." (CMH)

01/12/2007 MOTION by Appellant Clarence Phippen for Writ of Mandamus filed. Answer due 01/22/07. Certificate of Service dated 1/8/07. (CMH)

04/19/2007 Submitted for possible dismissal pursuant to 1915 (e)(2)(B) and writ of mandamus. ALD-190 Coram: Sloviter, Chagares, and Greenberg, Circuit Judges. (CRG)

05/08/2007 NOT PRECEDENTIAL PER CURIAM OPINION (Sloviter, Chagares, and Greenberg, Circuit Judges), filed. ALD-190 Motion by appellant for writ of mandamus is denied. (CRG)

05/08/2007 JUDGMENT, Dismissed under 28 U.S.C. Section 1915(e)(2)(B)(ii). All of the above in accordance with the opinion of this Court, filed. (CRG)

06/01/2007 NONCOMPLIANCE LETTER requesting compliance for Motion for leave to file exhibits with petition for rehearing submitted by Clarence Phippen. Response due in 14 days. (CMH)

06/15/2007 COMPLIANCE RECEIVED (CMH)

06/15/2007 MOTION by Appellant Clarence Phippen for leave to file and amend corrected documents with petition for rehearing, filed. Answer due 06/28/07. Certificate of Service dated 6/13/07. (CMH)

06/15/2007 MOTION by Appellant Clarence Phippen for leave to file exhibits with petition for rehearing, filed. Answer due 06/28/07. Certificate of Service dated 6/13/06. (CMH)

06/27/2007 ORDER (Greenberg, Circuit Judge) granting Appellant's motion for leave to file amended/corrected documents and exhibits with Petition for Panel Rehearing, filed. (CMH)

06/27/2007 PETITION by Appellant for rehearing before original panel, Certificate of service dated 6/13/07. (CMH)

07/09/2007 ORDER (Sloviter, Chagares, and Greenberg, Authoring Judge, Circuit Judges) denying petition for rehearing before original panel by Appellant, filed. (CRG)

07/17/2007 MANDATE ISSUED, filed. (TMM)

07/17/2007 Letter dated 07/17/07 construed as a MOTION by Appellant Clarence Phippen for leave to file a Petition for Rehearing En Banc, filed. Answer due 07/12/07. Certificate of Service dated 7/12/07. (CMH)

07/24/2007	ORDER (Clerk) denying Appellant's letter which is construed as a motion for leave to file a petition for rehearing en banc. The Federal Rules of Appellate Procedure contemplate that a petition for rehearing en banc will be filed at the same time a petition for panel rehearing is filed. The rule does not permit the filing of serial petitions. The proceedings in this Court are concluded. Further review of this Court's decision is available only in the Supreme Court, filed. (CMH)
12/03/2007	Supreme Court of U.S. notice filed advising petition for writ of certiorari filed by Appellant Clarence Phippen ###EB-4632. Filed in the Supreme Court on 11/28/07 at Supreme Ct. case number: 07-7883. (CMD)
02/25/2008	Order entered denying Petition Petition for Writ of Certiorari filed by Appellant Mr. Clarence Phippen. Supreme Court Case Number: 07-7883. Order dated 02/19/2008. (NR)

Documents and Docket Summary
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