DR

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Purcell Bronson, Appellant	:	
v.	:	
Marilyn S. Brooks, Nancy A. Giroux Jeffrey A. Beard	:	No. 1436 C.D. 2008

PER CURIAM ORDER

Now, August 26, 2008, upon consideration of appellees' motion to dismiss appeal on the basis that appellant has been adjudicated an abusive litigator, the motion is granted, and the appeal is dismissed. See Bailey v. Miller, 943 A.2d 1007 (Pa. Cmwlth. 2008).

Section 6602(f)(1) of the Prisoner Litigation Reform Act (PLRA), 42 Pa. C.S. § 6602(f)(1), authorizes a court to dismiss prison conditions litigation where the prisoner previously has filed prison conditions litigation and three or more of the prior civil actions have been dismissed under Section 6602(e)(2) (dismissed as frivolous or malicious, or fails to state a claim, or a valid affirmative defense precludes relief).

The present matter, in which appellant challenged his custody status and sought to compel appellees to transfer him to general population, i.e., a challenge to the conditions of confinement, is prison conditions litigation as defined in 42 Pa. C.S. §6601. The court takes judicial notice that no fewer than ten of appellant's prior civil actions that have been dismissed as frivolous or for failure to state a claim. (Motion to Dismiss, Exhibit A.)

Certified from the Record

AUG 27 2008

and Order Exit