

General Docket  
Third Circuit Court of Appeals

Court of Appeals Docket #: 01-1877

Docketed: 04/12/2001

Nature of Suit: 3550 Prisoner-Civil Rights

Termed: 08/16/2002

Burke v. Dark, et al

Appeal From: U.S. District Court for the District of Eastern Pennsylvania

Fee Status: PLRA

## Case Type Information:

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

## Originating Court Information:

District: 0313-2 : [00-cv-05773](#)

District Judge: John R Padova, U.S. District Judge

Date Filed: 11/14/2000

Date Order/Judgment:

03/19/2001

Date NOA Filed:

04/09/2001

## Prior Cases:

None

## Current Cases:

None

SEAN CARLOS BURKE (#BN-4840)

Plaintiff - Appellant

Sean Carlos Burke

[NTC Pro Se]

Greene SCI

175 Progress Drive

Waynesburg, PA 15370-0000

v.

LEON O. DARK

Defendant

VIVIAN MILLER

Defendant - Appellee

Mia Carpiniello, Esq.

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Philadelphia, PA 19102-0000

CLAUDE HARRISON

Defendant

VERONICA SABLOSKY

Defendant

VIVIAN L. PRICE

Defendant

JANET FASY DOWDS

Mia Carpiniello, Esq.

Defendant - Appellee

Direct: 215-683-5010  
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(see above)

KEVIN FLANAGAN

Defendant - Appellee

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CHARLES EPPS

Defendant - Appellee

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(see above)

ROBIN MILLER

Defendant - Appellee

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CAROLYN FRIEND

Defendant - Appellee

Mia Carpiello, Esq.  
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[COR NTC city/county gov]  
(see above)

SEAN BURKE,

Appellant

v.

LEON O. DARK; VIVIAN T. MILLER; CLAUDE HARRISON; VERONICA  
SABLOSKY; VIVIAN L. PRICE; JANET FASY DOWDS; KEVIN FLANAGAN;  
CHARLES EPPS; ROBIN MILLER; CAROLYN FRIEND

04/12/2001	CIVIL CASE DOCKETED. Notice filed by Sean Burke. (TYW)
04/12/2001	RECORD, received. (Cvs. 01-1877 & 02-1889)
04/20/2001	APPEARANCE from Attorney Mary E. Dixon on behalf of Appellees Vivian Miller, Janet Fasy Dowds, Kevin Flanagan, Charles Epps, Robin Miller, Carolyn Friend, filed. (CLW)
04/24/2001	FOLLOW UP LETTER to Robin B. Arnold requesting the following documents: **Appearance Form SEND TO MERITS PANEL
04/26/2001	MOTION and affidavit by Appellant Sean Burke to proceed in forma pauperis, filed. Answer due 4/30/01. Certificate of dated 4/17/01. (DMG)
04/26/2001	IN FORMA PAUPERIS PRISONER AUTHORIZATION, filed. (DMG)
05/10/2001	IN FORMA PAUPERIS PRISONER ADDENDUM, filed. (CLJ)
05/10/2001	PRISONER ACCOUNT STATEMENT, filed. (CLJ)
05/29/2001	ORDER (Clerk) granting motion to proceed in forma pauperis by Appellant. The prison is directed to make initial assessment and forward all payments to the District Court. Appeal will be submitted to a panel for Section 1915(e)(2) determination. The court will also consider any other appropriate action, such as affirmance of the order of the district court. See Third Circuit Internal Operating procedure 10.6, filed. EPS-264 PANEL ID (CLJ)
05/29/2001	Certified copy of order to Lower Court. (CLJ)

05/29/2001 Certified copy of order to Warden. (CLJ)

08/06/2001 MOTION by Appellant for appointment of counsel and memorandum of law and facts in support thereof, filed. Answer due 8/13/01. Certificate of Service dated 7/29/01. (PAR)

01/31/2002 Certified Copy of Order by Honorable John R. Padova of District Court dated 1/29/02 that IT IS HEREBY ORDERED that Defendants shall file an answer to Plaintiff's "Motion for Relief from Judgment" on or before 2/6/02, filed. (PAR)

03/13/2002 WITHDRAW OF APPEARANCE: Attorney Mary E. Dixon for Carolyn Friend, Robin Miller, Charles Epps, Kevin Flanagan, Janet Fasy Dowds, and Vivian Miller withdrawing appearance.

03/13/2002 APPEARANCE from Attorney Richard G. Feder on behalf of Appellees Vivian Miller, Janet Fasy Dowds, Kevin Flanagan, Charles Epps, Robin Miller, and Carolyn Friend, filed. Withdrawn 11/14/02.

04/09/2002 FIRST SUPPLEMENTAL RECORD, received. (Cvs. 01-1877 & 02-1889) (PAR)

04/15/2002 SECOND SUPPLEMENTAL RECORD, received. (Cvs. 01-1877 & 02-1889) (LLD)

04/25/2002 Submitted for possible dismissal pursuant to Section 1915(e)(2) and motion for appointment of counsel. DPS-161 Coram: Nygaard, Roth and Barry, Circuit Judges. (PAR)

08/16/2002 NOT FOR PUBLICATION NOT PRECEDENTIAL UNREPORTED PER CURIAM OPINION (Nygaard, Roth and Barry, Circuit Judges), filed. DPS-161 Appellant's motion for appointment of counsel is denied. Total Pages: 3. (PAR)

08/16/2002 JUDGMENT, dismissed under 28 U.S.C. Section 1915(e)(2)(B), filed. (PAR)

08/29/2002 MOTION by Appellant requesting leave of the court for the joinder and consolidation of appeals before the court, filed. Answer due 9/9/02. Certificate of Service dated 8/25/02. (PAR)

08/29/2002 MOTION by Appellant requesting leave of the Court to be granted permission to file additional attachment's to the Appellant's Petition for Rehearing En Banc, filed. Answer due 9/9/02. Certificate of Service dated 8/25/02. (PAR)

09/03/2002 PETITION by Appellant for rehearing en banc, filed. Certificate of service dated 8/29/02. (CH)

09/09/2002 NONCOMPLIANCE LETTER requesting compliance for motion to file petition for rehearing en banc out of time to be submitted by Sean Burke. Response due 9/23/02. (PAR)

09/18/2002 ORDER (Nygaard, Circuit Judge) denying motion by Appellant Requesting Permission to File Additional Attachment's to Appellant's Petition for Rehearing En Banc, filed. (CH)

09/19/2002 MOTION by Appellant to file petition for rehearing out of time, filed. Answer due 9/30/02. Certificate of Service dated 9/16/02. (CH)

09/19/2002 Compliance of motion to file petition for rehearing en banc out of time received from appellant. (PAR)

09/20/2002 ORDER (Clerk) denying motion by Appellant in 01-1877 and 02-1889 to consolidate appeals, filed. (AWI)

10/02/2002 MOTION with Memorandum of Law in Support by Appellant for reconsideration of appellant's motion for consolidation of the aforesocketed appeals in Nos. 01-1877 & 02-1889 construed as a motion for reconsideration of Clerk's Order dated 9/20/02, filed. Answer due 10/10/02. Certificate of Service dated 9/27/02. (PAR)

10/15/2002 ORDER (Nygaard, Authoring Judge, Circuit Judge) granting motion to file petition for rehearing en banc out of time by Appellant Sean Burke, filed. (PAR)

10/15/2002 ORDER (Chief Judge Becker, Sloviter, Scirica, Nygaard, Authoring Judge, Alito, Roth, McKee, Rendell, Barry, Ambro and Fuentes, Circuit Judges) denying petition for en banc rehearing by Appellant Sean Burke, filed. (PAR)

10/23/2002 MANDATE ISSUED, filed.

10/23/2002 RECORD NOT RETURNED at this time until appeals(s) closed at Nos. 02-1889

11/14/2002 WITHDRAW OF APPEARANCE: attorney Richard G. Feder for Carolyn Friend, Robin Miller, Charles Epps, Kevin Flanagan, Janet Fasy Dowds and Vivian Miller withdrawing appearance. (PAR)

11/14/2002	APPEARANCE from Attorney Mia Carpiniello on behalf of Appellees Vivian Miller, Janet Fasy Dowds, Kevin Flanagan, Charles Epps, Robin Miller and Carolyn Friend, filed. (PAR)
11/22/2002	ORDER (Nygaard, Authoring Judge, Roth and Barry, Circuit Judges) denying motion for reconsideration of Clerk's Order dated 9/20/02 of consolidating appeals at Nos. 01-1877 & 02-1889 by Appellant Sean Burke, filed. (PAR)
01/28/2003	RECORD RETURNED. (Cov. 01-1877 & 02-1899)
01/28/2003	FIRST, SECOND SUPPLEMENTAL RECORD returned. (Cov. 01-1877 & 02-1889)

Documents and Docket Summary  
Documents Only

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