

Allan Karleski,
Plaintiff

v.

Coal Township State Correctional Institution
Defendants

IN THE COURT OF COMMON PLEAS
NORTHUMBERLAND COUNTY,
PENNSYLVANIA

CIVIL ACTION

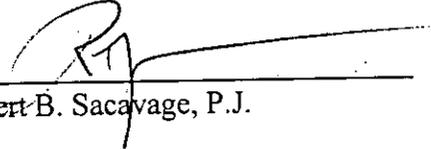
CV-03- 572

FILED
2003 APR 21 PM 2:33
NORTHUMBERLAND CO.
PROTHONOTARY

ORDER

AND NOW, this 21st day of April 2002, upon review of the Petition for Leave to Proceed In Forma Pauperis and Complaint, this Court finds that the Petition is not in conformity with Pa. R.C.P. 240(h) and the allegations of this complaint are insufficient to state valid claims. Thus, this Court finds the action frivolous.¹ Accordingly, the petition is DENIED and, pursuant to Pa. R.C.P. 240(j) the claims are hereby DISMISSED.

BY THE COURT:


Robert B. Sacavage, P.J.

Cc: Allan Karleski, CK-0240, 1 Kelly Drive, Coal Township, PA 17866-1021
PA Department of Corrections, Jeffrey Beard, 2520 Lisburn Road, P.O. Box 598, Camp Hill, PA 17001-0598
Court Administrator
Court
Law Clerk

¹ Under 42 Pa.C.S.A. § 4716, a person who is convicted for a felony sex offense or other specified offense and is or remains incarcerated on or after the effective date of this chapter shall have a DNA sample drawn. Section 4703 defines "other specified offense" to include 18 Pa. C.S. § 3502 (relating to burglary). Under no circumstances shall a person, who is convicted for an offense covered by this subsection, be released in any manner after such disposition unless and until a DNA sample has been withdrawn. 42 Pa. C.S.A. § 4716(a)(3). The manner of drawing DNA samples is delineated in section 4717. Furthermore, subsection 4717(c) permits correction personnel to employ reasonable force in cases where an individual refuses to submit to DNA testing authorized under this chapter, and no such employee shall be criminally or civilly liable for the use of reasonable force.