

General Docket
Third Circuit Court of Appeals

Court of Appeals Docket #: 94-7176

Docketed: 03/25/1994

Nature of Suit: 3530 Habeas Corpus

Termed: 08/19/1994

Rubino v. Lehman, et al

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

Fee Status: IFP

Case Type Information:

- 1) civil
- 2) private
- 3) Habeas Corpus-prisoner

Originating Court Information:

District: 0314-3 : [94-cv-00258](#)

District Judge: William J. Nealon, U.S. District Judge

Date Filed: 02/18/1994

Date Order/Judgment:

03/08/1994

Date NOA Filed:

03/18/1994

Prior Cases:

None

Current Cases:

None

DAVID RUBINO

Plaintiff - Appellant

David Rubino

[NTC Pro Se]
106 Clover Drive
Monaca, PA 15061-0000

v.

JOSEPH LEHMAN, Commissioner PA Dept. of Corrections
Defendant - Appellee

Michael L. Harvey, Esq.
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[COR NTC State Government]
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LAURENCE REID, Executive Deputy Commissioner, PA Dept. of
Corrections
Defendant - Appellee

Michael L. Harvey, Esq.
Direct: 717-783-6896
[COR NTC State Government]
(see above)

THOMAS FULCOMER, Deputy Commissioner, W. Region PA
Dept. of Corrections
Defendant - Appellee

Michael L. Harvey, Esq.
Direct: 717-783-6896
[COR NTC State Government]
(see above)

RICHARD KLYMER, Deputy Commissioner, E. Region PA Dept.
of Corrections
Defendant - Appellee

Michael L. Harvey, Esq.
Direct: 717-783-6896
[COR NTC State Government]
(see above)

FRED W. JACOBS, Chairman of Board of PA Dept. of Probation

Michael L. Harvey, Esq.

and Parole Defendant - Appellee	Direct: 717-783-6896 [COR NTC State Government] (see above)
DALE BINGAMAN, Member of Board, PA Dept. of Probation and Parole Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
RAYMOND P. MCGINNIS, member of Board, PA Dept. of Probation and Parole Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
MARY ANN STEWART, member of Board, PA Dept. of Probation and Parole Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
JEFFREY BEARD, Superintendent, SCI Camp Hill Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
ANTHONY PETRUCCIO, Deputy Superintendent, SCI Camp Hill Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
KENNETH KYLER, Deputy Superintendent, SCI Camp Hill Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
EDWARD BRENNAN, Superintendent, SCI Albion, PA Dept. of Corrections Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
WILLIAMS, Deputy Superintendent, SCI Albion, PA Dept. of Corrections Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
BRUCE MARQUARDT, Deputy Superintendent, SCI Albion, PA Dept. of Corrections Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
JAMES ROBINSON, Deputy District Director, PA Dept. Probation and Parole Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
ALLAN CASTOR, JR., Member of Board, PA Probation and Parole Defendant - Appellee	Michael L. Harvey, Esq. Direct: 717-783-6896 [COR NTC State Government] (see above)
LINWOOD FIELDER, Deputy District Director PA Dept. Probation and Parole	Michael L. Harvey, Esq. Direct: 717-783-6896

Defendant - Appellee

[COR NTC State Government]
(see above)

DAVID RUBINO,

Appellant

v.

JOSEPH LEHMAN, Commissioner PA Dept. of Corrections;
 LAURENCE REID, Executive Deputy Commissioner, PA
 Dept. of Corrections; THOMAS FULCOMER, Deputy
 Commissioner, W. Region PA Dept. of Corrections;
 RICHARD KLYMER, Deputy Commissioner, E. Region PA
 Dept. of Corrections; FRED JACOBS, Chairman of Board
 of PA Dept. of Probation and Parole; DAHLE BINGAMAN,
 Member of Board, PA Dept. of Probation and Parole;
 RAY MCGINNIS, member of Board, PA Dept. of Probation
 and Parole; MARY STEWART, member of Board, PA Dept.
 of Probation and Parole; JEFFREY BEARD, Superintendent,
 SCI Camp Hill; ANTHONY PETRUCCIO, Deputy Superintendent,
 SCI Camp Hill; KENNETH KYLER, Deputy Superintendent,
 SCI Camp Hill; EDWARD BRENNAN, Superintendent, SCI
 Albion, PA Dept. of Corrections; WILLIAMS, Deputy
 Superintendent, SCI Albion, PA Dept. of Corrections;
 MARQUARDT, Deputy Superintendent, SCI Albion, PA Dept.
 of Corrections ; JAMES ROBINSON, Deputy District
 Director, PA Dept. Probation and Parole; ALLAN CASTOR,
 JR., Member of Board, PA Probation and Parole; LINWOOD
 FIELDER, Deputy District Director PA Dept. Probation
 and Parole

03/25/1994	CIVIL CASE DOCKETED. Notice filed by David Rubino.
03/25/1994	RECORD, received.
03/30/1994	STAFF ATTORNEY LETTER SENT advising case will be submitted to a panel of this Court for a decision on the issuance of a certificate of probable cause.
04/04/1994	AFFIDAVIT in support of MOTION to proceed in forma pauperis, on behalf of Appellant David Rubino, filed.
04/04/1994	Supplemental Addendum Motion of Appeal and Assignment of Counsel by Appellant treated as a motion for certificate of probable cause, filed.
04/20/1994	FOLLOW UP LETTER to DA of Beaver County and Francis R. Filipi requesting the following documents: **Appearance Form
05/04/1994	APPEARANCE from Attorney Michael L. Harvey on behalf of Appellees, filed.
08/19/1994	ORDER (Greenberg, Authoring Judge, Nygaard, Lewis, Circuit Judges) granting motion to proceed in forma pauperis and the application for a certificate of probable cause is denied in light of Heck v. Humphrey 129 L.Ed 2d 383, 62 U.S.L.W. 4594 (1994). (AWI)
08/19/1994	Certified copy of Order sent to Clerk of District Court. (AWI)
08/19/1994	RECORD RETURNED. (AWI)
11/15/1994	MOTION filed by Appellant David Rubino to file in banc petition for rehearing fifteen days out of time. Certificate of Service dated 11/12/94.

11/16/1994	ORDER (Clerk) The foregoing motion is deferred for fourteen (14) days. Appellant is directed to serve a copy of his motion on opposing counsel and inform the Clerk within fourteen (14) days from the date of this order that he has served opposing counsel with a copy of the petition for rehearing. It is noted that appellant served a copy of the motion on opposing counsel. Appellant is required to also serve a copy of the petition. No action will be taken on the motion unless appellant complies with this order. If appellant fails to comply within the time frame as stated in this order, the motion will be denied.
12/15/1994	ORDER (Clerk) the Motion by Appellant Pro Se, David Rubino, to file Petition for Rehearing out of time is GRANTED. It is noted that appellant has complied with the Clerk's November 16, 1994 order.
12/15/1994	PETITION by Appellant for rehearing in banc. Certificate of service dated 11/18/94, filed.(See Clerk order filed 12/15/94)
12/28/1994	ORDER (Sloviter, Chief Judge, Becker, Stapleton, Mansmann, Greenberg, Authoring Judge, Hutchinson, Scirica, Cowen, Nygaard, Roth, Lewis, McKee and Sarokin, Circuit Judges) denying petition for in banc rehearing by Appellant David Rubino, filed.

Documents and Docket Summary

Documents Only

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