

**United States District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:95-cv-01528-SHR**

Williams v. Fulcomer, et al  
Assigned to: Honorable Sylvia H. Rambo  
Demand: \$0  
Case in other court: 96-07595  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/12/1995  
Date Terminated: 08/20/1996  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Anthony Williams**

represented by **Anthony Williams**

AY-6759

SPECIAL MAIL - OPEN ONLY  
IN THE PRESENCE OF THE  
INMATE

10-40 E. Roy Furman Highway  
Waynesburg, PA 15370-8090  
PRO SE

V.

**Defendant**

**Thomas A. Fulcomer**

**Defendant**

**Unknown Briggs**

**Defendant**

**Unknown Corran**

**Defendant**

**Unknown Pollock**

**Defendant**

**Unknown Perrin**

**Defendant**

**Unknown Zumetta**

**Defendant**

**J. Price**

**Defendant**

**A. Domovich**

**Defendant**

**George H. Conrad**

**Defendant**

**C. T. Myers**

**Defendant**

**J. Stidd**

**Defendant**

**Raymond J. Sobina**

**Defendant**

**E. Mason**

**Defendant**

**Joseph M. Ryan**

**Defendant**

**John R. Stepanik**

**Defendant**

**David H. Larkin**

**Defendant**

**Unknown Jone**

**Defendant**

**Edgar M. Kneiss**

**Defendant**

**Robert Komsisky**

**Defendant**

**Thomas Figmik**

**Defendant**

**Thomas M. Wesoloski**

**Defendant**

**Unknown Brady**

**Defendant**

**Unknown Bowden**

**Defendant**

**Unknown Coleman**

**Defendant**

**Unknown Brick**

**Defendant**

**Unknown Beggs**

**Defendant**

**Unknown Beggs**

**Defendant**

**Joseph F. Mazurkiewicz**

**Defendant**

**John M. McCullough**

**Defendant**

**Terry L. Whitman**

**Defendant**

**Sam Mazzotta**

**Defendant**

**Unknown Spagholetil**

**Defendant**

**Unknown Kephart**

**Defendant**

**Unknown North**

**Defendant**

**Unknown Nabavi**

represented by **Richard M. Moore**  
Martin, Clearwater and Bell  
220 East 42nd Street  
New York, NY 10017  
(212) 697-3122  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Unknown Green**

**Defendant**

**Unknown Moore**

**Defendant**

**Micky Tomaseth**

**Defendant**

**Unknown Penoyer**

**Defendant**

**Margaret Jones**

**Defendant**

**Unknown Klinger**

**Defendant**

**Unknown Penney**

**Defendant**

**Unknown Eister**

represented by **Richard M. Moore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Unknown McDonough**

**Defendant**

**Gregory J. Sefehick**

**Defendant**

**Unknown Sheaffer**

**Defendant**

**Carroll M. Healy**

**Defendant**

**J. Stidd**

**Defendant**

**Danny A. Harter**

**Defendant**

**Robert G. Patishnock**

**Defendant**

**Louis G. Matsick**

**Defendant**

**Carl G. Bjalme**

**Defendant**

**Unknown Tressler**

**Defendant**

**Donna Himes**

**Defendant**

**Joseph D. Lehman**

**Defendant**

**Ted E. Shumaker**

**Defendant**

**Robert S. Bitner**

**Defendant**

**David L. Gearhart**

**Defendant**

**Kathleen M. Zwierzyna**

**Defendant**

**Mark E. Guzzi**

**Defendant**

**J. Harvey Bell**

**Defendant**

**James Matthews**

**Defendant**

**A. Scott Williason**

**Defendant**

**All Defendants**

represented by **William E. Fairall , Jr.**  
Chief Counsel's Office  
Pennsylvania Department of  
Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
717-728-7763  
Fax: 17179752217  
Email: wfairall@state.pa.us  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/12/1995	1	COMPLAINT alleging violation of civil rights. Amt: IFP Pending (ps) (Entered: 09/12/1995)
09/12/1995	2	MOTION by plaintiff Anthony Williams to proceed in forma pauperis (ps) (Entered: 09/12/1995)
09/12/1995	3	Brief by plaintiff Anthony Williams in support of complaint. (ps) (Entered: 09/12/1995)
09/12/1995		Prisoner letter issued as to plaintiff Anthony Williams with Notice and Consent Form U.S. Marshal Form (ps) (Entered: 09/12/1995)
09/12/1995	4	STANDING PRACTICE ORDER of all judges sent to plaintiff. (ps) (Entered: 09/12/1995)

09/12/1995		Case file w/ copy of docket to M.J. Durkin. Copy of docket to J. Rambo. (ps) (Entered: 09/12/1995)
09/22/1995	5	ORDER by Magistrate Judge Raymond J. Durkin that: 1) The plntf is temporarily granted leave to proceed ifp; 2) W/in 10 days from the date of this order, the warden or other appropriate official under oath and penalty of perjury shall: a) Provide the court w/a record of the transactions which occurred w/in the preceding 6 mos; b) So inform the court if the records are at another institution or if the records are for some reason unavailabe; c) Advise the court as to whether the prisoner has institutional employment and indicate his average monthly income from this job. (cc: plntf, warden) (kn) (Entered: 09/22/1995)
09/22/1995	6	ORDER by Magistrate Judge Raymond J. Durkin that: 1) Plntf is permitted to commence this action ifp; 2) Process shall issue; 3) The Clerk shall cause to be served on defts docs. 1 and 3. (cc: plntf, attached to summons for service) (kn) (Entered: 09/22/1995)
09/22/1995		Summons issued as to defts Thomas A. Fulcomer, Unknown Briggs, Unknown Corran, Unknown Pollock, Unknown Perrin, Unknown Zumetta, J. Price, A. Domovich, George H. Conrad, C. T. Myers, J. Stidd, Raymond J. Sobina, E. Mason, Joseph M. Ryan, John R. Stepanik, David H. Larkin, Unknown Jone, M. Kneiss, Robert Komsisky, Thomas Figmik, Thomas M. Wesoloski, Unknown Brady, Unknown Bowden, Unknown Coleman, Unknown Brick, Unknown Beggs, Unknown Beggs, Joseph F. Mazurkiewicz, John M. McCullough, Terry L. Whitman, Sam Mazzotta, Unknown Spagholetil, Unknown Kephart, Unknown North, Unknown Nabavi, Unknown Green, Unknown Moore, Micky Tomaseth, Unknown Penoyer, Margaret Jones, Unknown Klinger, Unknown Penney, Unknown Eister, Unknown McDonough, Gregory J. Sefehick, Unknown Sheaffer, Carroll M. Healy, J. Stidd, Danny A. Harter, Robert G. Patishnock, Louis G. Matsick, Carl G. Bjalme, Unknown Tressler, Donna Himes, Joseph D. Lehman, Ted E. Shumaker, Robert S. Bitner, David L. Gearhart, Kathleen M. Zwierzyna, Mark E. Guzzi, J. Harvey Bell, James Matthews and A. Scott Williason w/docs 1, 3 & 6 and handed to USM for service. (kn) (Entered: 09/22/1995)
09/25/1995	7	NOTICE by plaintiff Anthony Williams of change of address. Updated in editor (ao) (Entered: 09/27/1995)
09/25/1995	8	MOTION by plaintiff Anthony Williams to supplement the complaint with attachments (ao) (Entered: 09/27/1995)
09/27/1995		Remark: Doc #7 & #8 to Mag Judge Durkin (ao) (Entered: 09/27/1995)

10/04/1995	9	ORDER by Magistrate Raymond J. Durkin; dated 10/3/95; IT IS ORDERED THAT: the plf's "Motion to Supplement the Complaint" (Doc #8) is dismissed. (cc: plf ) (jb) Modified on 10/04/1995 (Entered: 10/04/1995)
10/04/1995		Remark; Doc #9 to Durkin (jb) (Entered: 10/04/1995)
10/12/1995	10	Mail Returned addressed to Anthony Williams containing order of 10/4/95. (per phone call to prison they could not ID inmate) (ls) (Entered: 10/17/1995)
10/18/1995	11	MOTION by plaintiff Anthony Williams for appointment of counsel w/ exhs (cl) (Entered: 10/18/1995)
10/18/1995		Remark: doc 11 to MJ Durkin (cl) (Entered: 10/18/1995)
10/24/1995	12	ORDER by Magistrate Raymond J. Durkin denying motion for appointment of counsel [11-1] (cc: all counsel) (rm) (Entered: 10/24/1995)
11/06/1995	13	Request by plaintiff Anthony Williams for copies of the complaints in this case and in 95-1352 (cl) (Entered: 11/06/1995)
11/06/1995		Remark: doc 13 to MJ Durkin (cl) (Entered: 11/06/1995)
11/16/1995	14	MOTION with brief in support by plaintiff Anthony Williams for temporary restraining order , and/or for preliminary injunction w/ attachments (cl) (Entered: 11/17/1995)
11/17/1995		Remark: doc 14 to MJ Durkin (cl) (Entered: 11/17/1995)
11/22/1995	15	Report and Recommendation by Magistrate Raymond J. Durkin recommending motions for tro & prel.inj. [14-1], [14-2] should be denied. ;objections to R and R due 12/5/95 (cc: all counsel) (rm) (Entered: 11/24/1995)
11/24/1995		15 to Hbg. (rm) (Entered: 11/24/1995)
11/28/1995	16	MOTION by All Defendants to dismiss w/ c of s. (cl) (Entered: 11/28/1995)
12/05/1995		Remark: case file to Judge Rambo (cl) (Entered: 12/05/1995)
12/08/1995	17	ORDER by Judge Sylvia H. Rambo: 1) The court adopts the Report and Recommendation [15-1] of Mj Durkin. 2) denying pltf's motion for temporary restraining order [14-1] and/or for preliminary injunction [14-2]. 3) The captioned action is remanded to the magistrate judge for further proceedings. Case referred to Magistrate Raymond J. Durkin (cc: pltf, Fairall, Durkin, Ct) (cl) (Entered: 12/11/1995)

12/11/1995		Remark: case file to MJ Durkin (cl) (Entered: 12/11/1995)
12/11/1995	18	Objections by plaintiff Anthony Williams to report and recommendation dated 11/21/95 (jw) (Entered: 12/13/1995)
12/12/1995	19	MOTION by defendants for enlargement of time to file a brief in support of their motion to dismiss w/ c of s. (cl) (Entered: 12/13/1995)
12/13/1995		Remark Doc #18 to Mag Judge Durkin (jw) (Entered: 12/13/1995)
12/13/1995		Remark: doc 19 to MJ durkin (cl) (Entered: 12/13/1995)
12/15/1995	20	ORDER by Magistrate Raymond J. Durkin granting defts' motion for enlargement of time to file a brief in support to their motion to dismiss [19-1]; brief in support due 1/12/96 (cc: pltf & all counsel) (ao) (Entered: 12/15/1995)
12/15/1995		Remark: Doc #20 to Mag Judge Durkin. (ao) (Entered: 12/15/1995)
12/18/1995	21	MOTION with brief in support by defendant Unknown Nabavi, defendant Unknown Eister to dismiss w/exhibits & c/s. (rm) (Entered: 12/19/1995)
12/18/1995	22	MOTION by All Defendants to dismiss w/ c of s. (cl) (Entered: 12/19/1995)
12/19/1995		Remark: doc 22 to MJ Durkin (cl) (Entered: 12/19/1995)
12/22/1995	23	Mail Returned ( order of 12/8/95) addressed to Anthony Williams - inmate refused to sign (cl) (Entered: 12/28/1995)
12/28/1995		Remark: doc 23 to MJ Durkin (cl) (Entered: 12/28/1995)
12/29/1995	24	ORDER by Judge Sylvia H. Rambo: On December 8, 1995, the court issued an order adopting the R & R of the magistrate. The pltf filed objs to the R & R on 12/11/95. The pltf's objs do not persuade this court to alter its 12/8/95 order. Accordingly, It is ordered that the order of this court dated 12/8/95 stands as issued. (cc: pltf, Moore, Fairall, Ct) (cl) (Entered: 01/02/1996)
01/02/1996		Remark: doc 24 to MJ Durkin (cl) (Entered: 01/02/1996)
01/03/1996	25	LETTER - to court from plaintiff with exhibits attached, dated 12/14/95 asking the court to accept this as clarification of plf's two letters. (jb) (Entered: 01/04/1996)
01/04/1996		Remark; Doc #25 to Durkin (jb) (Entered: 01/04/1996)
01/05/1996	26	Mail Returned (order of 12/29/95) addressed to Anthony Williams - inmate refused (cl) (Entered: 01/11/1996)

01/11/1996		Remark: doc 26 to MJ Durkin (cl) (Entered: 01/11/1996)
01/18/1996	27	MOTION by All Defendants for enlargment of time to file a br. in supp. of their motion to dismiss w/ c of s. (cl) (Entered: 01/19/1996)
01/19/1996		Remark: doc 27 to MJ Durkin (cl) (Entered: 01/19/1996)
01/25/1996	28	ORDER by Magistrate Raymond J. Durkin - Defts' motion for enlargment of time to file a br. in supp. of their motion to dismiss [27-1] is granted. Defts shall file their br in support w/in 30 days. (cc: pltf & all counsel) (ao) (Entered: 01/25/1996)
01/25/1996		Remark: Doc #28 to Mag Judge Durkin. (ao) (Entered: 01/25/1996)
02/20/1996	29	MOTION - by All Defendants for enlargment of time to file a brief in supp. of their motion to dismiss w/ c of s. (cl) (Entered: 02/21/1996)
02/21/1996		REMARK - doc 29 to MJ Durkin (cl) (Entered: 02/21/1996)
02/22/1996	30	AFFIDAVIT of pltf in opposition to deft's motion to dismiss (jw) (Entered: 02/23/1996)
02/23/1996		REMARK - Doc #30 to M.J. Durkin (jw) (Entered: 02/23/1996)
02/23/1996	31	ORDER by Magistrate Raymond J. Durkin Defts' motion for enlargment of time until 3/20/96 to file a brief in supp. of their motion to dismiss [29-1], re motion to dismiss [22-1] is GRANTED. (cc: all counsel & pltf) (jw) (Entered: 02/23/1996)
02/23/1996		REMARK - Doc #31 to M.J. Durkin (jw) (Entered: 02/23/1996)
03/11/1996	32	BRIEF ( entitled "Affidavit") by plaintiff Anthony Williams IN OPPOSITION to motion to dismiss [22-1] ;reply brief due 3/24/96 (cl) (Entered: 03/12/1996)
03/11/1996	33	AFFIDAVIT - of Anthony Williams in opposition to 2/23/96, brief of dfts motion to dismiss, w/ attachments (cl) (Entered: 03/12/1996)
03/12/1996		REMARK - doc 32 & 33 to MJ Durkin (cl) (Entered: 03/12/1996)
03/20/1996	34	MOTION - by All Defendants for enlargment of time to file their brief in support of their motion to dismiss w/ c of s. (cl) (Entered: 03/21/1996)
03/21/1996		REMARK - doc 34 to MJ Durkin (cl) (Entered: 03/21/1996)
03/21/1996	35	BRIEF (entitled "affidavit")- by plaintiff Anthony Williams IN OPPOSITION to motion for enlargment of time to file their brief in support of their motion to dismiss [34-1] ;reply brief due 4/3/96 (cl) (Entered: 03/22/1996)

03/22/1996		REMARK - doc 35 to MJ durkin (cl) (Entered: 03/22/1996)
03/25/1996	36	ORDER by Magistrate Raymond J. Durkin granting motion for enlargment of time to file their brief in support of their motion to dismiss brief in support due 3/29/96 (cc: all counsel) (ls) (Entered: 03/25/1996)
03/29/1996	37	MOTION - by All Defendants for enlargment of time to file their brief in support of their motion to dismiss w/ c of s. (cl) (Entered: 03/29/1996)
03/29/1996		REMARK - doc 37 to MJ Durkin (cl) (Entered: 03/29/1996)
04/03/1996	38	BRIEF- by All Defendants IN SUPPORT of motion to dismiss [22-1], w/ c of s. (cl) (Entered: 04/04/1996)
04/04/1996		REMARK - doc 38 to MJ Durkin (cl) (Entered: 04/04/1996)
04/04/1996	39	ORDER by Magistrate Raymond J. Durkin Defts' motion for enlargment of time until 4/3/96 to file their brief in support of their motion to dismiss [37-1] is GRANTED. (cc: all counsel & pltf) (jw) (Entered: 04/04/1996)
04/04/1996		REMARK - Doc #39 to M.J. Durkin (jw) (Entered: 04/04/1996)
04/15/1996	40	AFFIDAVIT/ Reply Affirmation - of Richard Moore, Esq. (cl) (Entered: 04/16/1996)
04/16/1996		REMARK - doc 40 to MJ Durkin (cl) (Entered: 04/16/1996)
06/26/1996	41	Report and Recommendation by Magistrate Raymond J. Durkin recommending that defts motions to dismiss [22-1], [21-1], [16-1] be GRANTED; objections to and R due 7/16/96 (cc: all counsel & pltf) (jw) (Entered: 06/26/1996)
06/26/1996		REMARK - Case file to Hsbg to await obj time (jw) (Entered: 06/26/1996)
06/27/1996		REMARK -case file rec'd from Scranton. Placed in active file room (cl) (Entered: 06/27/1996)
07/10/1996	42	OBJECTIONS ( entitled " afdt motion in opposition to the R & R) - by plaintiff Anthony Williams to [41-1] REPORT AND RECOMMENDATION (cl) (Entered: 07/10/1996)
07/10/1996		REMARK -case file to Judge Rambo (cl) (Entered: 07/10/1996)
07/26/1996	43	WAIVER OF SERVICE OF SUMMONS returned as to defendant Unknown Nabavi, defendant Micky Tomaseth - Request sent on 9/26/95 (ao) (Entered: 07/29/1996)

07/26/1996	43	WAIVER OF SERVICE OF SUMMONS returned as to defendant John M. McCullough, defendant Unknown Kephart - Request sent on 10/6/95 (ao) (Entered: 07/29/1996)
07/26/1996	43	RETURN OF SERVICE unexecuted - attempted as to defendant Joseph M. Ryan, defendant Unknown Brady, defendant Unknown Brick, defendant Unknown Beggs (ao) (Entered: 07/29/1996)
07/26/1996	43	RETURN OF SERVICE unexecuted - attempted as to defendant Thomas A. Fulcomer, defendant Unknown Briggs, defendant Unknown Corran, defendant Unknown Perrin, defendant Unknown Zumetta, defendant J. Price, defendant A. Domovich, defendant Raymond J. Sobina, defendant E. Mason (ao) (Entered: 07/29/1996)
07/26/1996	43	RETURN OF SERVICE unexecuted - attempted as to defendant Unknown Penney (ao) (Entered: 07/29/1996)
07/29/1996		REMARK - Doc #43 to Judge Rambo. (ao) (Entered: 07/29/1996)
08/20/1996	44	ORDER - by Judge Sylvia H. Rambo - 1) the court adopts the Report and Recommendation [41-1] of the Magistrate Judge. 2)Dfts motion to dismiss [22-1] is granted. 3) The court declines to issue a certificate of probable cause. 4)The Clerk of Court shall close this file. Case terminated (cc:pltf, all cnsl, Durkin, Ct, Security) (cl) (Entered: 08/20/1996)
08/20/1996		REMARK -case file to closed file room (HBG) (cl) (Entered: 08/20/1996)
09/12/1996	45	NOTICE OF APPEAL by pro se prisoner/pltf Anthony Williams from District Court order filed 8/20/96 [44-2]; (No Filing fee paid; No TPO sent to prisoner; Certified copies of notice of appeal, order being appealed and docket entries sent with info/ack letter to USCA. (cc: Pltf; all cnsl; No C/R involved & Ct.) Receipt No. & Amt: Not paid (js) (Entered: 09/18/1996)
09/18/1996		RECORD ON APPEAL transmitted to 3rd Circuit (js) (Entered: 09/18/1996)
09/18/1996		REMARK -Case file jacket placed in HBG APPEALS SECTION (js) (Entered: 09/18/1996)
09/27/1996	46	LETTER - to court from plaintiff Anthony Williams dtd. 9/22/96 re: information statements rec'd pur. to Notice of Appeal. (am) (Entered: 09/30/1996)
09/30/1996	47	Acknowledgement Received from USCA for actual record and docket entries by MMB on 09/19/96. (js) (Entered: 10/01/1996)
10/07/1996	48	NOTIFICATION by Circuit Court of Appellate Docket Number 96-

		7595. (jc) (Entered: 10/07/1996)
04/30/1997	49	INFORMATION SHEET ON POST DECISION MATTERS - filed by USCA stating that a petition for rehearing o/b/o appellant was filed on 4/24/97. (jc) (Entered: 05/01/1997)
05/09/1997	50	DOCUMENT- INFORMATION SHEET- from USCA advising that an order was filed on 5/7/97 denying the petn. for rehearing. (js) (Entered: 05/12/1997)
05/19/1997		RECORD ON APPEAL returned from U.S. Court of Appeals (js) (Entered: 05/19/1997)
05/19/1997	51	CERTIFIED COPY OF JUDGMENT from USCA affirming the decision of the District Court.[45-1] Costs are taxed against the appellant (Anthony Williams) and in favor of the Appellees (Fulcomer, et al.) n the sum of \$43.40. Certified as a true copy & issued in lieu of a formal mandate on 5/15/97. Memorandum Opinion attached to judgment. (cc: Ct.) (js) (Entered: 05/19/1997)
05/19/1997		REMARK -Case file placed in Hbg. closed file rm. (js) (Entered: 05/19/1997)
08/21/1997		REMARK - File sent to Scranton. (gg) (Entered: 08/21/1997)
08/21/1997		REMARK - Case file rec'd in Scr and placed in closed file room. (ts) (Entered: 08/21/1997)
10/16/1997	52	LETTER to court from plaintiff Anthony Williams requesting a copy of the 8/20/96 memo and order, for purposes of filing a petition for writ of certiorari. (ct) (Entered: 10/17/1997)
10/22/1997	53	LETTER from deputy clerk to plaintiff Williams re: request dated 10/16/97. (ct) (Entered: 10/27/1997)
10/27/1997		REMARK - documents 52 and 53 to SCR closed file room. (ct) (Entered: 10/27/1997)
11/24/1997	54	DOCUMENT- INFORMATION SHEET ON POST DECISION MATTERS- advising that a petn. for writ of certiorari was filed on 11/20/97 in the US Supreme Ct. & docketed at their number 97-6768. (js) (Entered: 11/25/1997)
11/26/1997		REMARK - Docu. #54 to SCR closed file rm. (js) (Entered: 11/26/1997)
12/01/1997		REMARK -Doc 54 to closed file room Scr (ts) (Entered: 12/01/1997)
01/30/1998	55	DOCUMENT- INFORMATION SHEET- from USCA on post decision matters. The petn. for writ of Certiorari was denied on

		1/20/98. (cc: CJ Rambo) (js) (Entered: 02/02/1998)
02/02/1998		REMARK - Docu. #55 sent to SCR CFR from Hbg. (js) (Entered: 02/02/1998)