

APPX.

A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AARON J. BRESSI,

Plaintiff,

v.

TRACY McCLOUD, *et al.*,

Defendants.

No. 4:18-CV-01345

(Chief Judge Brann)

**ORDER**

**AUGUST 4, 2022**

**AND NOW**, upon consideration of Plaintiff's motion<sup>1</sup> to "refile this case and use all original filings," and the Court observing that this case was dismissed with prejudice and closed in March 2020,<sup>2</sup> and that Plaintiff's appeal to the United States Court of Appeals for the Third Circuit was denied in December 2021,<sup>3</sup> and the Court further observing that Plaintiff has failed to include any reasoning, argument, or citation to legal authority for his request to "refile" this case, **IT IS HEREBY ORDERED** that Plaintiff's motion (Doc. 71) to "refile" is **DENIED**.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge

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<sup>1</sup> Doc. 71.

<sup>2</sup> See Doc. 61.

<sup>3</sup> See Docs. 69, 70.

(MWB)

(Page 1) 27th Day of July 2022

Case No. 4:18-CV-1345

COPY

Attn : office of the clerk

United States District Court

Aaron J. Bressi - Plaintiff

V.

Tracy McCloud, et al. - Defendants

Case No. 4:18-CV-1345

FILED  
WILLIAMSPORT

AUG 01 2022

NR

DEPUTY CLERK

(Letter Motion)

I Aaron J. Bressi am asking this Honorable United States District Court, to grant Plaintiff's letter-motion and allow Plaintiff to refile this Case and use all original filings/records already on file under Case No. 4:18-CV-1345, including all exhibits on file as evidence in Support of Case.

Thank You, Aaron Bressi  
Case No. 4:18-CV-1345 (7-27-22)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AARON J. BRESSI,

Plaintiff,

v.

TRACY McCLOUD, *et al.*,

Defendants.

No. 4:18-CV-01345

(Chief Judge Brann)

**ORDER**

**AUGUST 31, 2022**

**AND NOW**, upon consideration of Plaintiff's second motion<sup>1</sup> to "refile this case using all original filings," and the Court observing that this case was dismissed with prejudice and closed in March 2020,<sup>2</sup> and that Plaintiff's appeal to the United States Court of Appeals for the Third Circuit was denied in December 2021,<sup>3</sup> and the Court further observing that Plaintiff has failed to provide any basis to reopen this case, **IT IS HEREBY ORDERED** that Plaintiff's second motion (Doc. 73) to "refile" is **DENIED**. The Court will not entertain any further motions to "refile" in this matter.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge

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<sup>1</sup> Doc. 73.

<sup>2</sup> See Doc. 61.

<sup>3</sup> See Docs. 69, 70.

(Page 1) 22nd Day of Aug. 2022

Case No. 4:18-CV-1345

Attn: Office of the Clerk

United States  
District Court

FILED  
WILLIAMSPORT  
AUG 26 2022  
PER Dg  
DEPUTY CLERK

Aaron J. Bressi - Plaintiff

V.

Tracy McCloud, et al. - Defendants

Case No. 4:18-CV-1345

Motion: To Refile;  
Case No. 4:18-CV-1345

Brief: In Support also  
attached.

1. I Aaron J. Bressi ask this Honorable United States District Court, to grant this motion to refile this Case Using all original filings/records already on file under Case No. 4:18-CV-1345, including all (Exhibits) already on file as evidence in Support of Case.

(Page 2) 22nd Day of Aug. 2022  
Case No. 4:18-CV-1345

2. I Aaron J. Bressi without a doubt, 100% Can refile this Case through this Honorable United States District Court due to this Case was dismissed with prejudice, through this Honorable Court Pursuant to Fed. R. Civ. P.

Thank You,  
Aaron Bressi  
(8-22-22)  
Case No. 4:18-CV-1345

(Page 1) 22nd Day of Aug. 2022  
Case No. 4:18-CV-1345

FILED  
WILLIAMSPORT  
AUG 26 2022  
PER  
DEPUTY CLERK

Attn: Office of the Clerk

Brief: In Support of  
Motion to Refile Case No.  
4:18-CV-1345.

I Aaron J. Bressi without  
a doubt can refile this  
Case through this Honorable  
United States District Court  
Using all original filings/  
records / Exhibits already  
on file as evidence in  
Support of Case.

This is due to this  
Case was dismissed through  
this Honorable Court Originally  
with prejudice. (See)  
Erickson V. Pardus, 551 U.S.  
89, 94, 127 S. Ct. 2197, 167 L.  
Ed. 2d 1087 (2007). (See also)  
Poulis V. State Farm Fire &  
Cas. Co., 747 F.2d 863,  
868 (3d Cir. 1984).

Also due to the Serious  
nature of the Civil Rights

(Page 2) 22nd Day of Aug. 2022  
Case No. 4:18-CV-1345

Violations / Crimes  
Committed against Plaintiff  
by these defendants,  
which pursuant to Fed.  
R. Civ. P. 15(a)(2), this  
motion should be granted  
because, Justice so Requires,  
as a matter of law.  
(See) Zavec, et al., V.  
Collins, Gist, and City of  
Wilkes-Barre, No. 3:16-CV  
- 00347, 2018 U.S. Dist.  
LEXIS 29240 (M.D. Pa.  
Feb. 23, 2018). (See also)  
Fed. R. Civ. P. 15(c), "Id.;  
Bensel V. Allied Pilots Ass'n,  
387 F.3d 298, 309-10 (3d  
Cir. 2004).

Thank You,  
Aaron Bressi  
(8-22-22)

Case No. 4:18-CV-1345



APPX.

B

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 22-2730

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AARON J. BRESSI,  
Appellant

v.

TRACY MCCLOUD; BRITTANY DUKE; RONALD MCCLAY;  
MATTHEW NARCAVAGE; DANIEL SHOOP; JILL HENRICH;  
TERRY KECHEM; PATROLMAN ADAMS; CHRISTOPHER LAPOTSKY;  
JOHN GEMBIC; OFFICE CLERKS, Sunbury District Magistrate;  
MICHAEL P. TOOMEY; MICHAEL SEWARD; DEGG STARK; JILL FRY;  
CHARLES SAYLOR; PAIGE ROSINI; WARDEN SNYDER COUNTY PRISON;  
OFFICE CLERKS, Snyder County Prison; EDWARD GRECO; MICHAEL SUIDERS;  
JAMES BEST; VINCE ROVITO; RACHAEL GLASSO; AMY STOAK;  
KIMBERLY BICKERT; CATHY DUZICK; MICHAEL FANTAGROSSE;  
JENNIFER FANTAGROSSE; RICHARD STIENHEART; GINGER STIENHEART;  
JEFFREY LEACH; DENISE CARNUCCIO; JEFFREY LONG; TYLER MUMMY;  
KIMBERLY SEDDON; CHASTITY SEDDON; WARDEN BRUCE KOVACH;  
DEPUTY WARDEN JAMES SMINK; and COUNSELOR SAMUEL KRANZEL

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(M.D. Pa. Civ. No. 4:18-cv-01345)  
District Judge: Honorable Matthew W. Brann

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
June 13, 2023  
Before: JORDAN, CHUNG, and NYGAARD, Circuit Judges

(Opinion filed: June 16, 2023)

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OPINION\*

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PER CURIAM

Proceeding pro se, Aaron Bressi filed a civil rights action against dozens of people. The District Court dismissed the action under 28 U.S.C. §§ 1915A(a) and 1915(e)(2)(B) for failure to state a claim. We affirmed. See Bressi v. McCloud, C.A. Nos. 20-1077 & 20-1758, 2021 WL 5054351, at \*1 (3d Cir. Nov. 1, 2021) (per curiam).

Months later, Bressi twice asked the District Court to “refile” his case. The District Court entered a pair of orders denying relief, the second of which stated that Bressi had “failed to provide any basis to reopen this case” and that “[t]he Court will not entertain any further motions to ‘refile’ in this matter.” This timely appeal of the second order followed.

We have appellate jurisdiction under 28 U.S.C. § 1291. Bressi’s opening brief merely re-argues the merits of his prior appeal in the underlying litigation, and at times mistakenly references a decision of this Court resolving one of his appeals in separate

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

litigation. In short, nowhere in the brief does Bressi identify a valid basis to disturb the order of the District Court that is the subject of this appeal.<sup>1</sup> Accordingly, we will affirm.

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<sup>1</sup> Bressi's post-briefing motion requesting that the Court accept a document from his separate, pending habeas proceeding as "evidence towards [this] case" is denied.

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 22-2730

---

AARON J. BRESSI,  
Appellant

v.

TRACY MCCLOUD; BRITTANY DUKE; RONALD MCCLAY;  
MATTHEW NARCAVAGE; DANIEL SHOOP; JILL HENRICH;  
TERRY KECHEM; PATROLMAN ADAMS; CHRISTOPHER LAPOTSKY;  
JOHN GEMBIC; OFFICE CLERKS, Sunbury District Magistrate;  
MICHAEL P. TOOMEY; MICHAEL SEWARD; DEGG STARK; JILL FRY;  
CHARLES SAYLOR; PAIGE ROSINI; WARDEN SNYDER COUNTY PRISON;  
OFFICE CLERKS, Snyder County Prison; EDWARD GRECO; MICHAEL SUIDERS;  
JAMES BEST; VINCE ROVITO; RACHAEL GLASSO; AMY STOAK;  
KIMBERLY BICKERT; CATHY DUZICK; MICHAEL FANTAGROSSE;  
JENNIFER FANTAGROSSE; RICHARD STIENHEART; GINGER STIENHEART;  
JEFFREY LEACH; DENISE CARNUCCIO; JEFFREY LONG; TYLER MUMMY;  
KIMBERLY SEDDON; CHASTITY SEDDON; WARDEN BRUCE KOVACH;  
DEPUTY WARDEN JAMES SMINK; and COUNSELOR SAMUEL KRANZEL

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(M.D. Pa. Civ. No. 4:18-cv-01345)  
District Judge: Honorable Matthew W. Brann

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
June 13, 2023  
Before: JORDAN, CHUNG, and NYGAARD, Circuit Judges

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**JUDGMENT**

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This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on June 13, 2023. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered August 31, 2022, be and the same is hereby affirmed. Costs will not be taxed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit  
Clerk

Dated: June 16, 2023



Teste: Patricia S. Dodszuweit  
Clerk, U.S. Court of Appeals for the Third Circuit

AppX.

C

APPEAL,CLOSED,PROSREF,WMSPT

**United States District Court  
Middle District of Pennsylvania (Williamsport)  
CIVIL DOCKET FOR CASE #: 4:18-cv-01345-MWB**

Bressi v. McCloud et al  
Assigned to: Honorable Matthew W. Brann  
Case in other court: 3rd Circuit, 19-03894  
Third Circuit, 20-01077  
Third Circuit, 20-01758  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/05/2018  
Date Terminated: 03/20/2020  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Aaron J. Bressi**

represented by **Aaron J. Bressi**

MC9898  
SCI Rockview  
SPECIAL MAIL - OPEN ONLY IN  
THE PRESENCE OF THE INMATE  
PO Box A  
Bellefonte, PA 16823  
PRO SE

V.

**Defendant**

**Tracy McCloud**

**Defendant**

**Brittany Duke**

**Defendant**

**Ronald McClay**

**Defendant**

**Matthew Narcavage**

**Defendant**

**Daniel Shoop**

**Defendant**

**Jill Henrich**

**Defendant**

**Terry Kechem**



**Defendant**

**Patrolman Adams**

**Defendant**

**Christopher Lapotsky**

**Defendant**

**John Gembic**

**Defendant**

**Office Clerks**

*Shamokin District Magistrate*

**Defendant**

**Benjamin Alphelbalm**

**Defendant**

**Office Clerks**

*Sunbury District Magistrate*

**Defendant**

**Michael Toomey**

**Defendant**

**Michael Seward**

**Defendant**

**Degg Stark**

**Defendant**

**Jill Fry**

**Defendant**

**Charles Saylor**

**Defendant**

**Paige Rosini**

**Defendant**

**Snyder County Prison Warden**

**Defendant**

**Office Clerks**

*Snyder County Prison*

**Defendant**

**Edward Greco**

**Defendant**

**Michael Suiders**

**Defendant**

**James Best**

**Defendant**

**Vince Rovito**

**Defendant**

**Rachael Glasso**

**Defendant**

**Amy Stoak**

**Defendant**

**Kimberly Bickert**

**Defendant**

**Cathy Duzick**

**Defendant**

**Michael Fantagrosse**

**Defendant**

**Jennifer Fantagrosse**

**Defendant**

**Richard Stienheart**

**Defendant**

**Ginger Stienheart**

**Defendant**

**Jeffery Leach**

**Defendant**

**Denise Carnuccio**

**Defendant**

**Jeffery Long**

**Defendant**

**Tyler Mummy**

**Defendant****Kimberly Seddon****Defendant****Chastity Seddon****Defendant****Warden Bruce Kovach****Defendant****Deputy Warden James Smink****Defendant****Counselor Samuel Kranzel**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/05/2018	<u>1</u>	COMPLAINT against All Defendants, filed by Aaron J. Bressi, pro se.(lg) (Entered: 07/06/2018)
07/05/2018	<u>2</u>	MOTION/application for Leave to Proceed in forma pauperis by Aaron J. Bressi.(lg) (Entered: 07/06/2018)
07/05/2018	<u>3</u>	PRISONER AUTHORIZATION by Aaron J. Bressi allowing prison to submit copy of prisoner's trust fund account to the court, and approving the entire filing fee to be deducted from prisoner inmate account. (lg) (Entered: 07/06/2018)
07/06/2018	<u>4</u>	STANDING PRACTICE ORDER (Attachments: # <u>1</u> order, # <u>2</u> 285 Service Packet with IFP Notice)(lg) (Entered: 07/06/2018)
07/06/2018	<u>5</u>	PRO SE LETTER ISSUED w/ Notice & Consent Form. (lg) (Entered: 07/06/2018)
07/09/2018	<u>6</u>	ORDER directing Warden to provide Court with statement regarding balance in plaintiff's inmate trust account and information regarding plaintiff's institutional employment within 15 days of date of Order. Signed by Magistrate Judge Joseph F. Saporito, Jr on 7/9/18. (ms)(Copy of Order mailed to Warden from Chambers) (Entered: 07/09/2018)
07/20/2018	<u>7</u>	Prisoner Trust Fund Account Statement by Aaron J. Bressi. (ep) (Entered: 07/20/2018)
07/24/2018	<u>8</u>	Statement of Complaint: For Defendants Denise Carnuccio, Jeffrey Long, and Tyler Mummy by Aaron J. Bressi.. (kw) (Entered: 07/25/2018)
07/30/2018	<u>9</u>	U.S. MARSHAL 285 FORMS received by Plaintiff (lg) (Entered: 07/30/2018)
09/17/2018	<u>10</u>	Letter to Court from Aaron Bressi re status of service of complaint. (lg) (Entered: 09/17/2018)
09/24/2018	<u>11</u>	Letter from Aaron Bressi re filing fee deductions from his inmate account. (lg) (Entered: 09/24/2018)

09/26/2018	<u>12</u>	Letter from Aaron Bressi re amending complaint, etc. (lg) (Entered: 09/26/2018)
11/28/2018	<u>13</u>	EXHIBIT A by Aaron J. Bressi re <u>1</u> Complaint. (Reynolds, Nicole) (Entered: 11/28/2018)
12/31/2018	<u>14</u>	AO 398 and AO 399 Service Forms for Tracy McCloud submitted by Plaintiff. (lg) (Entered: 12/31/2018)
02/28/2019	<u>15</u>	MOTION to Amend/Correct <u>1</u> Complaint by Aaron J. Bressi, Pro Se.(Attachments: # <u>1</u> Proposed Amended Complaint Part 1, # <u>2</u> Proposed Amended Complaint Part 2, # <u>3</u> Exhibits A-D, # <u>4</u> Exhibits E-F)(nr) (Entered: 02/28/2019)
03/08/2019	<u>16</u>	U.S. MARSHAL 285 FORM received by plaintiff.(nr) (Entered: 03/08/2019)
03/11/2019	<u>17</u>	EXHIBIT A (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (lg) (Entered: 03/11/2019)
03/11/2019	<u>18</u>	EXHIBIT B (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (lg) (Entered: 03/11/2019)
03/21/2019	<u>19</u>	EXHIBIT A (Evidence for Statement of Complaint #4) by Aaron J. Bressi. (nr) (Entered: 03/21/2019)
03/21/2019	<u>20</u>	EXHIBIT A (Evidence for Statement of Complaint #6) by Aaron J. Bressi. (nr) (Entered: 03/21/2019)
04/18/2019	<u>21</u>	EXHIBIT C (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (nr) (Entered: 04/18/2019)
05/08/2019	<u>22</u>	EXHIBIT D (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (nr) (Entered: 05/08/2019)
06/03/2019	<u>23</u>	EXHIBIT E (Evidence for Statement of Complaint #10) by Aaron J. Bressi.(nr) (Entered: 06/03/2019)
06/17/2019	<u>24</u>	EXHIBIT F (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (nr) (Entered: 06/17/2019)
07/05/2019	<u>25</u>	MOTION to Appoint Counsel by Aaron J. Bressi.(kw) (Entered: 07/05/2019)
07/23/2019	<u>26</u>	EXHIBIT G (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (nr) (Entered: 07/23/2019)
07/31/2019	<u>27</u>	REQUEST to Update (2) Defendants last name by Aaron J. Bressi. (nr) (Entered: 07/31/2019)
08/05/2019	<u>28</u>	EXHIBIT A (Evidence for Statement of Complaint #11) by Aaron J. Bressi.(nr) (Entered: 08/05/2019)
08/05/2019	<u>29</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. COMPLAINT IS NOW DEEMED FILED. Service of complaint shall be held in abeyance pending screening. Signed by Magistrate Judge Joseph F. Saporito, Jr on 8/5/19 (ms) (Entered: 08/05/2019)

08/05/2019	<u>30</u>	ORDER finding as moot <u>15</u> Motion to Amend/Correct. Clerk shall docket proposed amended complaint as plaintiff's amended complaint as matter of course. Clerk shall add Kimberly Seddon, Chasity Seddon, Warden Bruce Kovach, Deputy Warden James Smink, and Counselor Samuel Kranzel as party defendants to this action. Signed by Magistrate Judge Joseph F. Saporito, Jr on 8/5/19 (ms) (Entered: 08/05/2019)
08/05/2019	<u>31</u>	AMENDED COMPLAINT against All Defendants, filed by Aaron J. Bressi. (Attachments: # <u>1</u> Amended Complaint Part 2, # <u>2</u> Exhibit(s) part 1, # <u>3</u> Exhibit(s) part 2)(ms) (Entered: 08/05/2019)
08/05/2019	<u>32</u>	ADMINISTRATIVE ORDER sent to Prison Superintendent/Warden re: filing fee (ep) (Entered: 08/05/2019)
08/07/2019	<u>33</u>	EXHIBIT A & B (Evidence for Statement of Complaint #1) (nr) (Entered: 08/07/2019)
08/07/2019	<u>34</u>	EXHIBIT A & B (Evidence for Statement of Complaint #8) (nr) (Entered: 08/07/2019)
08/07/2019	<u>35</u>	EXHIBIT B (Evidence for Statement of Complaint #11) (nr) (Entered: 08/07/2019)
08/08/2019	<u>36</u>	EXHIBIT C (Evidence for Statement of Complaint #11) by Aaron J. Bressi. (nr) (Entered: 08/08/2019)
08/09/2019	<u>37</u>	ORDER denying <u>25</u> Motion to Appoint Counsel Signed by Magistrate Judge Joseph F. Saporito, Jr on 8/9/19 (ms) (Entered: 08/09/2019)
08/09/2019	<u>38</u>	REPORT AND RECOMMENDATIONS re <u>31</u> Amended Complaint filed by Aaron J. Bressi. For the foregoing reasons, it is recommended that:1.All claims against defendants Tracy McCloud, Brittany Duck, unspecified county court clerks, the Warden of Snyder County Prison, unspecified staff of Snyder County Prison, Kimberly Rickert, Cathy Duzick, Michael Fantagrosse, Jennifer Fantagrosse, Jeffery Leach, Ginger Stienheart, Richard Stienheart, Denise Canuccio, Jeffery Long, and Tyler Mummy be DISMISSED for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii);2.All claims against defendants Ronald McClay, Matthew Narcavage, Dan Shoop, Jill Henrich, Hon. John Gembic III, Hon. Benjamin Apfelbaum, Hon. Charles Saylor, Hon. Paige Rosini, Michael Toomey, Michael Seward, Jill Fry, Edward Greco, Michael Suiders, James Best, Vince Rovito, Rachael Glasoe, and Amy Stoak be DISMISSED as legally frivolous or for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1), 28 U.S.C. § 1915(e)(2)(B)(i), and 28 U.S.C. § 1915(e)(2)(B)(ii);3.All claims against defendants Terry Kechem, Patrolman Adams, Christopher Lapotsky, Kimberly Seddon, and Chasity Seddon be DISMISSED as legally and factually frivolous, pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i);4.All claims against defendants Bruce Kovach, James Smink, and Samuel Kranzel be DISMISSED as legally frivolous or for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1), 28 U.S.C. § 1915(e)(2)(B)(i), 28 U.S.C. § 1915(e)(2)(B)(ii), and 42 U.S.C. § 1997e(c)(1);5.The plaintiffs state-law tort claims be DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3);6.The plaintiff be granted leave to file a second amended

		complaint, limited to his retaliation claims only, within a specified period of time following dismissal of the amended complaint;7.The Clerk be directed to CLOSE this case if an amended complaint is not timely filed; and8.This matter be remanded to the undersigned for further proceedings, if any. Objections to R&R due by 8/28/2019Signed by Magistrate Judge Joseph F. Saporito, Jr on 8/9/19. (ms) (Entered: 08/09/2019)
08/22/2019	<u>39</u>	MOTION for Extension of Time (30 Days) to file objections to R&R. by Aaron J. Bressi.(nr) (Entered: 08/22/2019)
08/22/2019	<u>40</u>	OBJECTIONS by Aaron J. Bressi. to <u>30</u> Order on Motion to Amend/Correct.(nr) (Entered: 08/22/2019)
08/22/2019	<u>41</u>	OBJECTIONS by Aaron J. Bressi. to <u>37</u> Order on Motion to Appoint Counsel. (nr) (Entered: 08/22/2019)
08/23/2019		Receipt of payment from AARON J. BRESSI in the amount of \$37.72 for PLRA CIVIL FILING FEE. Transaction posted on 8/22/2019. Receipt number 333067169 processed by aoswald. (fs) (Entered: 08/23/2019)
08/30/2019	<u>42</u>	ORDER - IT IS HEREBY ORDERED that <u>39</u> Plaintiffs Motion to Extend Time is granted; the deadline for Plaintiff to file objections is extended until 9/27/2019. Signed by Honorable Matthew W. Brann on 8/30/19 (lg) (Entered: 08/30/2019)
09/13/2019	<u>43</u>	MOTION "for an obey and stay" and asking for a ruling on <u>41</u> Objections, <u>40</u> Objections by Aaron J. Bressi.(lg) (Entered: 09/13/2019)
10/07/2019	<u>44</u>	EXHIBIT H (evidence for statement of complaint #10) by Aaron J. Bressi. (lg) (Entered: 10/07/2019)
10/10/2019	<u>45</u>	Copy of Subpoena to Northumberland County PFA and Custody Office by Aaron J. Bressi. (lg) (Entered: 10/11/2019)
10/10/2019	<u>46</u>	Copy of subpoena to Northumberland County Clerk of Courts Office by Aaron J. Bressi. (lg) (Entered: 10/11/2019)
10/18/2019	<u>47</u>	Mailroom Cash Slips by Aaron J. Bressi in re to Northumberland County Clerk and Northumberland County PFA and Custody Office. (nr) (Entered: 10/18/2019)
10/21/2019	<u>48</u>	EXHIBIT I (evidence for statement of complaint #10) by Aaron J. Bressi. (nr) (Entered: 10/21/2019)
11/04/2019	<u>49</u>	EXHIBIT J (Evidence for Statement of Complaint #10) by Aaron J. Bressi. (lg) (Entered: 11/04/2019)
11/14/2019	<u>50</u>	MOTION for Contempt by Aaron J. Bressi.(nr) (Entered: 11/15/2019)
11/19/2019	<u>51</u>	ORDER - IT IS HEREBY ORDERED that <u>40</u> and <u>41</u> motions for reconsideration are denied; <u>43</u> Motion to place this matter in abeyance is denied as moot; Bressi may file objections to Magistrate Judge Saporito's R&R on/before 12/16/19. Signed by Honorable Matthew W. Brann on 11/19/19 (lg) (Entered: 11/19/2019)
12/10/2019	<u>52</u>	Letter to Court from Aaron Bressi re his not receiving mail. (lg) (Entered: 12/10/2019)

12/13/2019	<u>53</u>	NOTICE OF APPEAL in PRISONER Case as to <u>51</u> Order by Aaron J. Bressi. Filing Fee and Docket Fee NOT PAID. Filing fee \$ 505 The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (nr) (Entered: 12/13/2019)
12/30/2019	<u>55</u>	ORDER ADOPTING REPORT AND RECOMMENDATION - IT IS HEREBY ORDERED that <u>38</u> Magistrate Judge Sapirito's Report and Recommendation is adopted; <u>50</u> Bressi's Motion for Contempt is denied; <u>31</u> Amended Complaint is dismissed with prejudice, with the exception of his First and Fourteenth Amendment retaliation claims, which is dismissed with prejudice; Bressi may within 30 days file an amended complaint. (See order for further/complete details) Signed by Honorable Matthew W. Brann on 12/30/19. (lg) (Entered: 12/30/2019)
12/31/2019		CASE REFERRED to Magistrate Judge Magistrate Judge Joseph F. Saporito, Jr. (lg) (Entered: 12/31/2019)
01/09/2020	<u>56</u>	ORDER of USCA granting motion to proceed in forma pauperis and assessing fees as to <u>53</u> Notice of Appeal filed by Aaron J. Bressi. (ca3kr) (Entered: 01/09/2020)
01/09/2020	<u>57</u>	NOTICE OF APPEAL in PRISONER Case as to <u>55</u> Order Adopting Report and Recommendations by Aaron J. Bressi. Filing Fee and Docket Fee NOT PAID. Filing fee \$ 505. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (nr) (Entered: 01/09/2020)
01/31/2020	<u>59</u>	ORDER of USCA granting motion to proceed in forma pauperis and assessing fees as to <u>57</u> Notice of Appeal filed by Aaron J. Bressi. (ca3kr) (Entered: 01/31/2020)
02/04/2020	<u>60</u>	REPORT AND RECOMMENDATIONS re <u>1</u> Complaint filed by Aaron J. Bressi Objections to R&R due by 2/18/2020 Signed by Magistrate Judge Joseph F. Saporito, Jr on 2/4/2020. (ep) (Entered: 02/04/2020)
03/04/2020		Receipt of payment from AARON J BRESSI in the amount of \$39.68 for PLRA CIVIL FILING FEE. Transaction posted on 3/3/2020. Receipt number 333070344 processed by aoswald. (jjs) (Entered: 03/04/2020)
03/20/2020	<u>61</u>	ORDER ADOPTING REPORT AND RECOMMENDATION - IT IS HEREBY ORDERED that <u>60</u> Magistrate Judge Saporito's Report and Recommendation is adopted; Bressi's First and Fourteenth Amendment retaliation claim is dismissed with prejudice; clerk directed to close this case. Signed by Honorable Matthew W. Brann on 3/20/2020. (case closed)(lg) (Entered: 03/20/2020)
04/08/2020	<u>62</u>	NOTICE OF APPEAL in non prisoner Case as to <u>61</u> Order Adopting Report and Recommendation, by Aaron J. Bressi. Filing Fee and Docket Fee not paid. Filing fee \$ 505. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (lg) (Entered: 04/08/2020)
05/29/2020	<u>64</u>	ORDER of USCA granting motion to proceed in forma pauperis filed by Appellant Aaron J. Bressi. The appeal will be submitted to a panel for determination under 28 U.S.C. Section 1915(e)(2) or for summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6. Appellant may submit argument, which should not exceed 5 pages,

		in support of the appeal. The document, with certificate of service, must be filed with the clerk within 21 days of the date of this order. (Attachments: # <u>1</u> warden letter)(McIntyre, Timothy) (Entered: 05/29/2020)
07/13/2020	<u>65</u>	Prisoner Trust Fund Account Statement by Aaron J. Bressi. (ep) (Main Document 65 replaced on 7/13/2020) (ep). (Entered: 07/13/2020)
07/14/2020		Receipt of payment from AARON J BRESSI in the amount of \$37.06 for PLRA CIVIL FILING FEE. Transaction posted on 7/13/2020. Receipt number 333072123 processed by gangeli. (jjs) (Entered: 07/14/2020)



AppX.

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 22-2730

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AARON J. BRESSI,  
Appellant

v.

TRACY MCCLOUD; BRITTANY DUKE; RONALD MCCLAY;  
MATTHEW NARCAVAGE; DANIEL SHOOP; JILL HENRICH;  
TERRY KECHEM; PATROLMAN ADAMS; CHRISTOPHER LAPOTSKY;  
JOHN GEMBIC; OFFICE CLERKS, Sunbury District Magistrate;  
MICHAEL P. TOOMEY; MICHAEL SEWARD; DEGG STARK; JILL FRY;  
CHARLES SAYLOR; PAIGE ROSINI; WARDEN SNYDER COUNTY  
PRISON; OFFICE CLERKS, Snyder County Prison; EDWARD GRECO;  
MICHAEL SUIDERS; JAMES BEST; VINCE ROVITO; RACHAEL GLASSO;  
AMY STOAK; KIMBERLY BICKERT; CATHY DUZICK; MICHAEL  
FANTAGROSSE; JENNIFER FANTAGROSSE; RICHARD STIENHEART; GINGER  
STIENHEART; JEFFREY LEACH; DENISE CARNUCCIO; JEFFREY LONG;  
TYLER MUMMY; KIMBERLY SEDDON; CHASTITY SEDDON; WARDEN BRUCE  
KOVACH; DEPUTY WARDEN JAMES SMINK;  
COUNSELOR SAMUEL KRANZEL

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(D.C. No. 4-18-cv-01345)

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SUR PETITION FOR REHEARING

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Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,  
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-  
REEVES, CHUNG, NYGAARD\*, *Circuit Judges*

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\* Judge Nygaard's vote is limited to panel rehearing only.

The petition for rehearing filed by **appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Cindy K. Chung  
Circuit Judge

Date: July 13, 2023

kr/cc: Aaron J. Bressi

**Additional material  
from this filing is  
available in the  
Clerk's Office.**