

UNITED STATES SUPREME COURT

Keith Alexander
PLAINTIFF

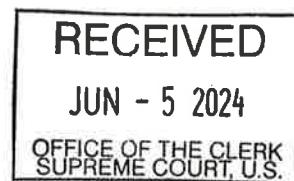
v.

No: 23-5915

Thomas McGinley, et. al

PETITION FOR REHEARING OF
ORDER DENYING PETITION FOR
CERTIORARI - JAN 8, 2024

APPELLANT PRESENTS HIS PETITION FOR A
REHEARING OF THE ABOVE ENTITLED CAUSE,
AND IN SUPPORT THEREOF, RESPECTFULLY
SHOWS: FOR THE FOREGOING REASONS IT
IS RESPECTFULLY URGED THAT THIS PETITION
FOR A REHEARING BE GRANTED, AND THAT UPON
FURTHER CONSIDERATION, THE JUDGMENT OF THE
THIRD CIRCUIT APPEALS COURT, BE REVERSED.



RESPECTFULLY SUBMITTED
Keith Alexander #GP-1965
PRO-52

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STATEMENT OF THE CASE

THE APPELLANT IS ALLEGING THAT ON AUGUST 14, 2020 KATHY BISCOE GAVE HIM A DIRECT ORDER TO GO TO SCI-COAL TOWNSHIP'S COMMISSARY TO PICK UP THE COMMISSARY ITEMS THAT THE COMMISSARY WORKERS PLACED IN A 7 FT. HIGH LAUNDRY CART AND TO PUSH THAT 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT SO THAT KATHY BISCOE COULD GIVE THE INMATES WHO WERE RESIDING ON D/B HOUSING UNIT THE COMMISSARY ITEMS THAT THEY ORDERED FROM COMMISSARY. WHEN THE APPELLANT ARRIVED AT SCI-COAL TOWNSHIP'S COMMISSARY ON 08-14-20, HE WAS ORDERED BY JUSTIN AGUSTA AND LINDSAY NYE TO PUSH A NEARLY 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT THAT HAD THE COMMISSARY ITEMS IN IT THAT THE INMATES WHO WERE HOUSED ON D/B HOUSING UNIT ORDERED. THE APPELLANT GOT INJURED IN THE PROCESS OF HIM PUSHING THAT 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT WHEN ANOTHER INMATE RAMMED THE 7 FT. HIGH LAUNDRY CART THAT HE WAS PUSHING INTO THE APPELLANT'S ANKLE AND HIS ACHILLES TENDON. THE APPELLANT HAD TO BE TRANSPORTED TO GEISINGER HOSPITAL SHORTLY AFTER THAT INCIDENT OCCURRED TO HAVE SURGERY ON THE INJURY THAT HE SUSTAINED.

THE APPELLANT FILED A GRIEVANCE ABOUT THAT MATTER AND HE EXHAUSTED HIS ADMINISTRATIVE REMEDIES FOR THAT MATTER. THE APPELLANT FILED C.A. NO. 3:20-2226. THE APPELLANT FILED A MOTION WITH THE COURT FOR THE APPOINTMENT OF COUNSEL AND TO AMEND HIS CIVIL COMPLAINT. THE APPELLANT SUBMITTED THE DEFENDANTS AND THE COURT DISCOVERY REQUESTS. ON SEPT. 27, 2022 JUDGE MALACHY E. MANNION GRANTED THE DISMISSAL MOTION THAT THE DEFENDANTS SUBMITTED TO THE COURT FOR C.A. NO. 3:20-2226.

ARGUMENT

THE PANEL OVERLOOK THAT MATTER IN THE DIST. CT. THE APPELLANT SHOULD HAVE BEEN AFFORDED THE SAME OPPORTUNITY THAT ANDREW SCOTT, JR., DANIEL C. WILSON, JR., NELSON L. HAIGHT, DONNA M. GREG, STEVEN LOVE LUNDY, ILEANA RIVERA AND DAWN GUTHRIE HAD TO HAVE A MAGISTRATE JUDGE RENDER A DECISION ON THE MOTIONS AND ETC. THAT WERE FILED IN THEIR CASES BEFORE JUDGE MALACHY E. MANNION DECIDED TO RENDER A RULING ON THOSE MATTERS. IF JUDGE MALACHY E. MANNION WOULD HAVE SEEN TO IT THAT A MAGISTRATE JUDGE WAS ASSIGNED TO THE APPELLANT'S CASE, THAT MAGISTRATE JUDGE COULD HAVE TOLD THE APPELLANT THAT HE NEEDED TO MAIL THE COURT AN AMENDED COMPLAINT THAT COMPLIES WITH RULE 8 OF THE FRCP BECAUSE THE DOCUMENT THAT HE MAILED TO THE DIST. CT. WAS NOTHING MORE THAN A MOTION THAT NOTIFIED THE COURT THAT HE WANTED TO AMEND HIS CIVIL COMPLAINT. ALTHOUGH JUDGE MALACHY E. MANNION WOULD LIKE THE JUDGES OF THIS HONORABLE COURT TO BELIEVE THAT THE MOTION THAT HE ACCEPTED AS BEING THE APPELLANT'S AMENDED COMPLAINT COMPLIES WITH RULE 8 OF THE FRCP, THAT DOCUMENT DOES NOT COMPLY WITH RULE 8 OF THE FRCP. BEING THOUGH THE CIVIL COMPLAINT THAT THE APPELLANT SUBMITTED TO THE COURT FOR C.A. NO. 3:20-2226 DOES NOT HAVE A PRELIMINARY STATEMENT SECTION DOCUMENTED IN IT, THE AMENDED COMPLAINT THAT THE LOWER COURT WAS EXPECTING THE APPELLANT TO MAIL TO THE LOWER COURT SHOULD HAVE HAD A PRELIMINARY STATEMENT SECTION DOCUMENTED IN IT SO THAT THE JURY AND THE COURT AS A WHOLE WOULD HAVE BEEN ABLE TO UNDERSTAND WHICH OF THE APPELLANT'S FEDERAL RIGHTS HE WAS ALLEGING THAT HIS DEFENDANTS VIOLATED AND WHICH TORTS HE WAS ALLEGING THAT THEY ENGAGED IN. THE ONLY REASON WHY JUDGE MALACHY E. MANNION ACCEPTED THE MOTION THAT THE APPELLANT SUBMITTED TO THE COURT AS BEING HIS AMENDED COMPLAINT WAS BECAUSE JUDGE MANNION KNEW THAT THE JUDGES OF THIS COURT WOULD ACTUALLY ADMIT ON AND FOR THE RECORD THAT THE DOCUMENT THAT JUDGE MANNION ACCEPTED AS BEING THE APPELLANT'S

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Argument

~~THE PANEL OVERLOOK~~ THE APPELLANT EQUAL PROTECTION OF THE LAW AND DUE PROCESS OF THE LAW WHEN HE RENDERED A FINAL JUDGMENT ON THE DEFENDANTS' DISMISSAL MOTION WITHOUT ALLOWING A MAGISTRATE JUDGE TO RENDER A DECISION ON THAT MATTER FIRST

JUDGE MALACHY E. MANNION DENIED THE APPELLANT EQUAL PROTECTION OF THE LAW AND DUE PROCESS OF THE LAW WHEN HE RENDERED A FINAL JUDGMENT ON THE DEFENDANTS' DISMISSAL MOTION WITHOUT ALLOWING A MAGISTRATE JUDGE TO RENDER A DECISION ON THAT MATTER FIRST. IF THE HONORABLE JUDGES OF THIS COURT WERE TO READ RONALD ANDREW SCOTT, JR. V. JAMEY LUTHER (2019 U.S. DIST. LEXIS 19718), DANIEL C. WILSON, JR. V. ANDREW M. SAUL (2019 U.S. DIST. LEXIS 155167), NELSON L. HAIGHT V. ANDREW SAUL (2019 U.S. DIST. LEXIS 136430), DONNA M. GREG V. NANCY A BERRYHILL 92018 U.S. DIST. LEXIS 160230), STEVEN LOVE LUNDY V. MONROE COUNTY CORRECTIONAL FACILITY, ET AL. (2018 U.S. DIST. LEXIS 81345), ILEANA RIVERA, ET AL. V. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT (2019 U.S. DIST. LEXIS 194010) AND DAWN GUTHRIE V. JOHN WETZEL, ET AL. (2022 U.S. DIST. LEXIS 6384), THEY WOULD FIND OUT THAT JUDGE MALACHY E. MANNION MADE SURE THAT A MAGISTRATE JUDGE WAS ASSIGNED TO THOSE CASES. FOR SOME ABSURD REASON, JUDGE MALACHY E. MANNION DID NOT SEE TO IT THAT A MAGISTRATE JUDGE WAS ASSIGNED TO THE APPELLANT'S CASE. THIS ISN'T THE FIRST TIME THAT JUDGE MALACHY E. MANNION WILLFULLY REFUSED TO ASSIGN A MAGISTRATE JUDGE TO A CASE THAT THE APPELLANT FILED IN THE MIDDLE DIST. OF PA. IF THE HONORABLE JUDGES OF THIS COURT WERE TO EXAMINE THE LOWER COURT'S FILES, THEY WOULD FIND OUT THAT JUDGE MALACHY E. MANNION NEVER SEEN TO IT THAT A MAGISTRATE JUDGE WAS ASSIGNED TO C.A. NO. 3:20-2226 OR C.A. NO. 3:14-CV-0678. ALL BOTH OF THOSE CASES,

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ARGUMENT

THE PANEL OVERLOOK, DIST. JUDGE REFUSED TO ALLOW THE APPELLANT TO OBTAIN THE EVIDENCE THAT HE REQUESTED FOR HIS DISCOVERY REQUEST

LONG BEFORE JUDGE MALACHY E. MANNION DECIDED TO DISMISS C.A. NO. 3:20-2226 ON 09-27-22, THE APPELLANT SUBMITTED THE DIST. CT. A DISCOVERY REQUEST IN WHICH HE ATTEMPTED TO OBTAIN HIS MEDICAL RECORDS AND SOME OTHER EVIDENCE FROM THE APPELLEES. TO THE APPELLANT'S SURPRISE, JUDGE MALACHY E. MANNION REFUSED TO ALLOW THE APPELLANT TO OBTAIN THE EVIDENCE THAT HE REQUESTED. THE APPELLANT SUBMITTED THE DEFENDANTS' ATTORNEYS INTERROGATORIES AND DISCOVERY REQUESTS FOR THEIR CLIENTS BEFORE JUDGE MALACHY E. MANNION DECIDED TO DISMISS C.A. NO. 3:20-2226. TO THE APPELLANT'S SURPRISE, THE DEFENDANTS' ATTORNEYS NEVER GAVE THE APPELLANT THE RELEVANT EVIDENCE THAT HE REQUESTED. NOR DID THEY ADVISE THE APPELLEES TO ANSWER THE INTERROGATORIES THAT THE APPELLANT MAILED TO THEM. ALTHOUGH JUDGE MALACHY E. MANNION WOULD LIKE THE JUDGES OF THIS HONORABLE COURT TO BELIEVE THAT THE APPELLEES WERE NOT REQUIRED TO ANSWER THE APPELLANT'S INTERROGATORIES OR GIVE THE APPELLANT THE DOCUMENTS THAT HE REQUESTED, THEY WERE. THE FED.R. CIV.PROC. THE FEDERAL RULES OF EVIDENCE, WELLMAN V. FAULKNER (715 F.2d 269), GILLESPIE V. CIVILETTI (620 F.2d 637), MARTINEZ V. CORNELL CORRECTIONS OF TEXAS (229 F.R.D. 215), MURPHY V. KELLER (950 F.2d 290),

CERTIFICATE OF SERVICE

I Keith Alexander on This Day MAY 18, 2024
Served United STATES SUPREME COURT MY REHEARING
PETITION AS MAIL BOX RULE STATE'S AT SCI
MAHANOY!! ALSO I CERTIFY MY PETITION FOR -
REHEARING IS PRESENTED, IN GOOD FAITH.

ALSO served!!

ATTORNEY GENERAL

HOWARD HOPKINS

STRAWBERRY SQ

HARRISBURG, PA 17120

DATE

MAY 18, 2024

Keith Alexander

PLAINTIFF

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