

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-2987

Craig Alford v. Baylor, et al

(U.S. District Court No.: 1-20-cv-01787)

ORDER

Pursuant to Fed. R. App. P. 3(a) and 3rd Cir. LAR 3.3 and Misc. 107.1(a), it is

ORDERED that the above-captioned case is hereby dismissed for failure to timely prosecute insofar as appellant failed to pay the requisite fee as directed. It is

FURTHER ORDERED that a certified copy of this order be issued in lieu of a formal mandate.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: January 25, 2024

CJG/cc: Craig Alford
Gerard J. Geiger, Esq.
Mr. Peter J. Welsh



A True Copy:

Patricia S. Dodszuweit

Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

~~APPENDIX A~~

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CCO-050

No. 23-2987

CRAIG ALFORD,
Appellant

v.

LT. BAYLOR, Director of Monroe County Correctional Facility;
GARRY HAIDLE, Warden of Monroe County Correctional Facility;
MR. ARMOND, Sgt. at Monroe County Correctional Facility;
GEORGE WARDEN, Clerk at Monroe County Correctional Facility

(M.D. Pa. No. 1-20-cv-01787)

Present: KRAUSE, FREEMAN and SCIRICA, Circuit Judges

1. Motion by Appellant titled "En Banc Panel Decision" which the Court may wish to construe as a Motion for Reconsideration of the Court's December 28, 2023, Order denying Motion to Proceed In Forma Pauperis, and to Merge Appeal with Appeals at No. 20-3297 & 23-1513, with Request for En Banc Review under Third Circuit I.O.P. 10.3.3

Respectfully,
Clerk/CJG

ORDER

The foregoing motion is DENIED.

By the Court,

s/Cheryl Ann Krause
Circuit Judge

Dated: January 25, 2024

CJG/cc: Craig Alford
Gerard J. Geiger, Esq.

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **23-2987**

CRAIG ALFORD, Appellant

VS.

LT. BAYLOR, Director of Monroe County Correctional Facility; ET AL.

(M.D. Pa. Civ. No. 1:20-cv-01787)

Present: FREEMAN, *Circuit Judge*

Submitted are:

1. Appellant's motion for leave to appeal *in forma pauperis* and affidavit in support thereof, pursuant to Rule 24, Federal Rules of Appellate Procedure;
2. Appellant's motion demonstrating imminent danger;
3. Appellees' response to the motion demonstrating imminent danger;
4. Appellant's document in support of appeal;
5. Appellant's motion to merge appeals at Nos. 23-2987, 23-1513, and 20-3297; and
6. Appellant's supplement to the motion to merge appeals

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's motion to proceed in forma pauperis ("IFP") on appeal is denied. Appellant has "three strikes" for purposes of 28 U.S.C. § 1915(g). *See Alford v. Hodle*,

C.A. No. 21-1323 (order entered on Mar. 18, 2022). Accordingly, to proceed IFP on appeal, he must show “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g); *see also Abdul-Akbar v. McKelvie*, 239 F.3d 307, 312 (3d Cir. 2001) (en banc). He has not made the required showing because he has not demonstrated any connection between the claims in his District Court action (relating to his detention at the Monroe County Correctional Facility) and his allegations in support of his claim of imminent danger (relating to his treatment at SCI-Phoenix). *See, e.g., Pinson v. DOJ*, 964 F.3d 65, 71 (D.C. Cir. 2020) (holding that “prisoners must demonstrate a nexus between the harms they allege and the claims they bring”). Therefore, if Appellant wishes to proceed with this appeal, he must pay the full applicable filing and docketing fees in the amount of \$505 to the Clerk of the United States District Court for the Middle District of Pennsylvania within fourteen (14) days of the date of this order. No extensions of time to pay the fees will be granted. Failure to pay the filing and docketing fees within that time will result in dismissal of the appeal without further notice. *See* 3d Cir. L.A.R. Misc. 107.1(a).

By the Court,

s/ Arianna J. Freeman
Circuit Judge

Dated: December 28, 2023
Amr/cc: All counsel of record

*Federal
I chd RAY
Debit
Prepaid*

DLD-181

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 23-1513

CRAIG ALFORD, Appellant

VS.

LT. BAYLOR, Director of Monroe County Correctional Facility, et al.

(M.D. Pa. Civ. No. 1-20-cv-01787)

Present: CHUNG, Circuit Judge

Submitted are:

- (1) Appellant's motion for leave to proceed in forma pauperis and affidavit in support thereof, pursuant to Rule 24, Fed. R. App. P.; and
- (2) Appellant's motion demonstrating imminent danger in the above-captioned case.

Respectfully,

Clerk

ORDER

Because Appellant has at least three strikes against him under 28 U.S.C. § 1915(g), he cannot proceed in forma pauperis ("IFP") in this appeal unless he demonstrates that he was "under imminent danger of serious physical injury" when he filed the appeal. 28 U.S.C. § 1915(g); see Ball v. Famiglio, 726 F.3d 448, 467 (3d Cir. 2013), abrogated on other grounds by Coleman v. Tollefson, 575 U.S. 532 (2015). Appellant has not made this showing. Accordingly, the Appellant's request to proceed IFP is denied.

Appellant's filing titled, "En Banc/Reconsideration" is construed as a motion to reopen the appeal. No action will be taken on this appeal unless Appellant pays the full applicable filing and docketing fees in the amount of \$505 to the Clerk of the United States District Court for the Middle District of Pennsylvania within 14 days of the date of

\$1,672,000.00

Readed

*3297
3d Cir.*

20

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-1513

Craig Alford v. Baylor, et al

(U.S. District Court No.: 1-20-cv-01787)

ORDER

Pursuant to Fed. R. App. P. 3(a) and 3rd Cir. LAR 3.3 and Misc. 107.1(a), it is

ORDERED that the above-captioned case is hereby dismissed for failure to timely prosecute insofar as appellant failed to pay the requisite fee with Motion Demonstrating Imminent Danger of Serious Physical Injury as directed. It is

FURTHER ORDERED that a certified copy of this order be issued in lieu of a formal mandate.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: May 11, 2023
LMR/cc: Craig Alford,
Gerard J. Geiger, Esq.
Mr. Peter J. Welsh,



A True Copy:

Patricia S. Dodszuweit

Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

United States District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:20-cv-01787-MWB-MP

Alford vs. Baylor et al
Assigned to: Chief Judge Matthew W. Brann
Referred to: Pro Se Law Clerk MP
Case in other court: Third Circuit, 23-01513
Cause: 42:1983 Prisoner Civil Rights
Third Circuit, 23-02987

Plaintiff

Jhon Lora
TERMINATED: 01/14/2022

Date Filed: 09/30/2020
Date Terminated: 10/19/2023
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

represented by Jhon Lora
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

Plaintiff

Craig Alford

represented by Craig Alford
QL0225
SCI Phoenix
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
1200 Mokychic Road
Collegeville, PA 19426
PRO SE

Plaintiff

Luis Medina
TERMINATED: 01/14/2022

represented by Luis Medina
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

Plaintiff

Christopher J. Klement
TERMINATED: 01/14/2022

represented by Christopher J. Klement
Monroe County Correctional Facility
SPECIAL MAIL - OPEN ONLY IN THE
PRESENCE OF THE INMATE
4250 Manor Drive
Stroudsburg, PA 18360

Plaintiff

Miguel Eduardo Rosario
TERMINATED: 01/14/2022

represented by Miguel Eduardo Rosario
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

Plaintiff

Howard Wolfe
TERMINATED: 01/14/2022

represented by Howard Wolfe
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

Plaintiff

Damaon Webster
TERMINATED: 01/14/2022

represented by Damaon Webster
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

Plaintiff

Justin Coate
TERMINATED: 01/14/2022

represented by Justin Coate
Monroe County Correctional Facility
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF INMATE
4250 Manor Drive
Stroudsburg, PA 18360
PRO SE

V.

Defendant

Lt. Baylor
Director of Monroe County Correctional
Facility

represented by Gerard J. Geiger
Newman, Williams, Mishkin, Corveleyn,
Wolfe & Farri
712 Monroe St.
Stroudsburg, PA 18360
570-421-9090
Fax: 424-9739

Defendant

Garry Haidle
Warden of Monroe County Correctional
Facility

represented by Gerard J. Geiger
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mr. Armond
Sgt. at Monroe County Correctional
Facility

represented by Gerard J. Geiger
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

George Warden
Clerk at Monroe County Correctional
Facility
TERMINATED: 08/09/2022

represented by Gerard J. Geiger
(See above for address)
ATTORNEY TO BE NOTICED

Email: ggeiger@newmanwilliams.com
ATTORNEY TO BE NOTICED

89.22 400
DOCKET # 88

Date Filed	#	Docket Text
10/01/2020	1	COMPLAINT against All Defendants lodged pending the disposition of the Motion to Proceed In Forma Pauperis, filed by Miguel Eduardo Rosario, Luis Medina, Howard Wolfe, Craig Alford, Damaon Webster, Justine Coate, Jhon Lora, Christopher J. Klement. (lp) (Entered: 10/01/2020)
10/01/2020	2	MOTION for Leave to Proceed in forma pauperis by Jhon Lora. (lp) (Entered: 10/01/2020)
10/01/2020	3	MOTION for Leave to Proceed in forma pauperis by Luis Medina. (lp) (Entered: 10/01/2020)
10/01/2020	4	MOTION for Leave to Proceed in forma pauperis by Craig Alford. (lp) (Entered: 10/01/2020)
10/01/2020	5	MOTION for Leave to Proceed in forma pauperis by Christopher Klement. (lp) (Entered: 10/01/2020)
10/01/2020	6	MOTION for Leave to Proceed in forma pauperis by Miguel Eduardo Rosario. (lp) (Entered: 10/01/2020)
10/01/2020	7	MOTION for Leave to Proceed in forma pauperis by Howard Wolfe. (lp) (Entered: 10/01/2020)
10/01/2020	8	MOTION for Leave to Proceed in forma pauperis by Damaon Webster. (lp) (Entered: 10/01/2020)
10/01/2020	9	MOTION for Leave to Proceed in forma pauperis by Justin Coate. (lp) (Entered: 10/01/2020)
10/01/2020	10	PRO SE LETTER ISSUED w/ Notice & Consent Form. (Attachments: # 1 Notice of Consent, # 2 Instruction Sheet, # 3 Federal & Local Rules, # 4 398 Form) (lp) (Entered: 10/01/2020)

10/01/2020	11	FIFTEEN DAY ADMINISTRATIVE ORDER - Within 15 days of the date of this Order, the superintendent or warden of the institution at which Plaintiffs are currently incarcerated is directed to provide certified copies of the statement of each of the plaintiffs, trust fund account to this Court and to each of the Plaintiffs. The statement should reflect all activity in that account for the six-month period immediately preceding the lodging of the complaint in this action. Signed by LP on 10/01/2020. Order sent to plaintiffs and Superintendent. (lp) Modified on 10/2/2020 (lp). (Entered: 10/01/2020)
10/09/2020		DOCKET ANNOTATION: Due to clerical error, documents #12 and #13 were deleted. They will be redocketed. (kpf) (Entered: 10/09/2020)
10/09/2020	12	MOTION to Appoint Counsel by Craig Alford, Justin Coate, Christopher J. Klement, Jhon Lora, Luis Medina, Miguel Eduardo Rosario, Damaon Webster, Howard Wolfe. (kpf) (Entered: 10/09/2020)
10/09/2020	13	BRIEF IN SUPPORT re 12 MOTION to Appoint Counsel filed by Craig Alford, Justin Coate, Christopher J. Klement, Jhon Lora, Luis Medina, Miguel Eduardo Rosario, Damaon Webster, Howard Wolfe. (kpf) (Main Document 13 replaced on 10/9/2020) (kpf). (Entered: 10/09/2020)
10/09/2020	14	Constitutional Question of Law by Craig Alford. (kpf) (Entered: 10/09/2020)
10/09/2020	15	Injunction by Craig Alford. (kpf) (Entered: 10/09/2020)
10/09/2020	16	Prisoner Trust Fund Account Statement (Not Certified) by Craig Alford. (kpf) (Entered: 10/09/2020)
10/09/2020	17	Prisoner Trust Fund Account Statement (Not Certified) by Jhon Lora. (kpf) (Entered: 10/09/2020)
10/09/2020	18	Prisoner Trust Fund Account Statement (Not Certified) by Luis Medina. (kpf) (Entered: 10/09/2020)
10/09/2020	19	Prisoner Trust Fund Account Statement (Not Certified) by Justin Coate. (kpf) (Entered: 10/09/2020)
10/09/2020	20	Prisoner Trust Fund Account Statement (Not Certified) by Christopher J. Klement. (kpf) (Entered: 10/09/2020)
10/09/2020	21	Prisoner Trust Fund Account Statement (Not Certified) by Miguel Eduardo Rosario. (kpf) (Entered: 10/09/2020)
10/09/2020	22	Prisoner Trust Fund Account Statement (Not Certified) by Howard Wolfe. (kpf) (Entered: 10/09/2020)
10/09/2020	23	Prisoner Trust Fund Account Statement (Not Certified) by Damaon Webster. (kpf) (Entered: 10/09/2020)
10/09/2020	24	MOTION Class Certification by Craig Alford. (kpf) (Entered: 10/09/2020)
10/13/2020	25	MOTION for Injunction by Jhon Lora. (ao) (Entered: 10/13/2020)
10/13/2020	26	AO 398 Service Forms Completed by Plaintiff. (ao) (Entered: 10/13/2020)
10/13/2020	27	Waiver of the Service of Summons filed by Plaintiff. (ao) (Entered: 10/13/2020)

APPENDIX B

10/13/2020	28	MEMORANDUM (Order to follow as separate docket entry) (eo) (Entered: 10/13/2020)
10/13/2020	29	Injunction Order by Jhon Lora. (ao) (Entered: 10/13/2020)
10/13/2020	30	ORDER (memorandum filed previously as separate docket entry) 1. Plaintiffs applications (Docs. 2-9) to proceed in forma pauperis are construed as requests to proceed without full prepayment of fees and are GRANTED. 2. Each Plaintiff shall PAY the full filing fee of \$350.00, based on the financial information provided in the Applications for Leave to Proceed In Forma Pauperis (Docs. 2-9) and the Prisoner Trust Fund Account Statements (Docs. 16-23). The full filing fee shall be paid regardless of the outcome of the litigation. 3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to DEDUCT an initial partial filing fee of 20% of the greater of: (A) the average monthly deposits in the inmates prison account for the past six months, or (B) the average monthly balance in the inmates prison account for the past six months. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number. 4. The Clerk of Court is directed to SEND a copy of this Order to the Superintendent/Warden of the institution at which each Plaintiff is presently confined. 5. The Complaint is DEEMED filed. 6. Plaintiff's complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) (ii). 7. Plaintiff's motions (Doc. 12) to appoint counsel and (Doc. 24) for class certification and for permanent injunction (Doc. 25) are DENIED as moot. 8. The Clerk of Court is directed to CLOSE this case. 9. Any appeal from this Order is DEEMED frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3). (copy of order sent to Warden of each Prison) (eo) (Entered: 10/13/2020)
10/13/2020	31	AO 240 filed by Randolph Clifton Williams. (ao) (Entered: 10/13/2020)
10/15/2020	32	MOTION to Appoint Counsel by Justin Coate, Luis Medina, Miguel Eduardo Rosario, Howard Wolfe. (ao) (Entered: 10/15/2020)
10/15/2020	33	NOTICE of Change of Address by Craig Alford to Northampton County Jail. (ao) (Entered: 10/15/2020)
10/15/2020	34	MOTION to Appoint Counsel by Craig Alford. (ao) (Entered: 10/15/2020)
10/15/2020	35	Letter 10/9/20 from Craig Alford to Warden at Northampton County Prison RE: transfer. (ao) (Entered: 10/15/2020)
10/19/2020	36	NOTICE of Change of Address did 10/9/20 by Craig Alford to Northampton County Jail. (ao) (Entered: 10/19/2020)
10/19/2020	37	MOTION for Emergency Hearing by Craig Alford. (ao) (Entered: 10/19/2020)
10/19/2020	38	MOTION for Injunction by Craig Alford. (ao) (Entered: 10/19/2020)
10/19/2020	39	MOTION for Emergency Preliminary Injunction by Craig Alford. (ao) (Entered: 10/19/2020)

10/22/2020	40	Service Forms Completed by Plaintiff. (ao) (Entered: 10/22/2020)
10/23/2020	41	Document filed entitled "Exhaustion/Defendants" by Craig Alford. (ao) (Entered: 10/23/2020)
10/23/2020	42	Document filed entitled "Preliminary Injunctive Relief" by Craig Alford. (ao) (Entered: 10/23/2020)
10/26/2020	43	REQUEST for copy of docket sheet by Craig Alford (copy of docket sheet sent on 10/26/2020). (dw) (Entered: 10/26/2020)
10/27/2020	44	MOTION for Joinder of Plaintiffs/Additional Defendants filed by Robert Douglas. (dw) (Entered: 10/27/2020)
10/28/2020	45	ORDER 1. The motions (Docs. 32, 34, 37-39, 44) are DENIED as moot. 2. The Clerk of Court is directed to TERMINATE all motions. 3. The Clerk of Court is further directed to TERMINATE the motion appearing at docket entry three (Doc. 3) as the motion was granted in the Courts prior Order (Doc. 30). (eo) (Entered: 10/28/2020)
11/02/2020	46	REQUEST for Order to Certify to Attorney General for Argument by Craig Alford. (dw) (Entered: 11/02/2020)
11/02/2020	47	U.S. MARSHAL - 285 Service Forms Completed by Plaintiff. (dw) (Entered: 11/02/2020)
11/02/2020	48	REQUEST for Docket Sheet by Craig Alford. (Docket previously sent 10/26/20). (dw) (Entered: 11/02/2020)
11/03/2020	49	Mail (Doc 28) sent to Craig Alford, mail marked as individual released/transferred. No new address on file. (mw) (Entered: 11/03/2020)
11/05/2020	50	MOTION to Serve Defendants by U.S. Marshal's (USM 285) by Craig Alford. (dw) (Entered: 11/05/2020)
11/09/2020	51	NOTICE OF APPEAL in PRISONER PRO SE Case as to 30 Order (memorandum filed previously as separate docket entry), Order Dismissing Case, 28 Memorandum (Order to follow as separate docket entry), 45 Order on Motion for Hearing, Order on Motion for Permanent Injunction, Order on Motion for Preliminary Injunction, Order on Motion for Joinder, Order on Motion for Leave to Proceed in forma pauperis, Order on Motion to Appoint Counsel, by Craig Alford. Filing Fee and Docket Fee NOT PAID. Filing fee \$ 503 Motion for FFP GRANTED. 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. (ep) (Entered: 11/09/2020)
11/17/2020	52	ORDER denying 50 Motion for Order. (eo) (Entered: 11/17/2020)
11/18/2020	53	REQUEST for copy of docket reflecting notice of appeal filed by Craig Alford. (ep) (Entered: 11/18/2020)
11/30/2020	54	NOTICE of Appearance by Gerard J. Geiger on behalf of Mr. Armond, Lt. Baylor, Garry Haidle, George Warden (Geiger, Gerard) (Entered: 11/30/2020)
12/07/2020	55	REQUEST To Reproduce District Court Record by Jhon Lora. (ga) (Entered: 12/07/2020)

12/23/2020	56	REQUEST to Furnish, Reproduce and Transmit the Record by Craig Alford. (ga) Modified on 12/23/2020 (cl). (Entered: 12/23/2020)
01/28/2021	57	ORDER of USCA granting motion to proceed in forma pauperis as to 51 Notice of Appeal, filed by Craig Alford (Batts, Pam) (Entered: 01/28/2021)
03/10/2021	58	Motion and Brief in Support by Jhon Lora to join Appeal, 51 (sm) (Entered: 03/10/2021)
03/10/2021		Supplemental Record on Appeal transmitted to US Court of Appeals re 58 Document Filed. Documents and Docket Sheet available through ECF. 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. (sm) (Entered: 03/10/2021)
04/26/2021	60	letter re request for docs to appeal IFP. 57 USCA Order- (GRANTED). (sm) (Entered: 04/26/2021)
09/16/2021	61	NOTICE of Change of Address by Craig Alford to SCI Smithfield and REQUEST for copies of appeal documents. (Letter sent advising that docs are not on MDPA record) (sm) (Entered: 09/16/2021)
09/27/2021	62	NOTICE of Change of Address by Craig Alford to SCI Camp Hill and request for additional copies of docket (sm) (Entered: 09/27/2021)
10/20/2021	63	REQUEST for Docket Sheet by Craig Alford. "docket mailed" (dw) (Entered: 10/20/2021)
11/17/2021	64	JUDGMENT of USCA (certified copy) as to 51 Notice of Appeal, filed by Craig Alford (Batts, Pam) (Entered: 11/17/2021)
11/17/2021	65	MANDATE of USCA as to 51 Notice of Appeal, filed by Craig Alford (Attachments: # 1 Mandate Letter, # 2 Opinion) (Batts, Pam) (Entered: 11/17/2021)
11/17/2021		VERBAL ORDER REASSIGNING Case - Case reassigned to Chief Judge Matthew W. Brann for all further proceedings. Honorable John E. Jones, III no longer assigned to case. ORDERED by Chief Judge Matthew W. Brann on 11/17/2021. (kt) (Entered: 11/17/2021)
11/24/2021	66	NOTICE of Change of Address by Craig Alford (address updated to SCI Phoenix). (lg) (Entered: 11/24/2021)
11/29/2021	67	ANSWER to Complaint by Mr. Armond, Lt. Baylor, Garry Haidle, George Warden. (Geiger, Gerard) (Entered: 11/29/2021)
12/08/2021	68	MEMORANDUM (Order to follow as separate docket entry) re 1 Complaint (Lodged with Motion for IFP), filed by Miguel Eduardo Rosario, Jhon Lora, Christopher J. Klement, Damaon Webster, Luis Medina, Craig Alford, Howard Wolfe. Signed by Chief Judge Matthew W. Brann on 12/8/2021. (lg) (Entered: 12/08/2021)
12/08/2021	69	ORDER (memorandum filed previously as separate docket entry) - 1 Complaint is dismissed without prejudice for failure to state a claim; Plaintiffs shall have until 12/29/2021 to file an amended complaint. Signed by Chief Judge Matthew W. Brann on 12/8/2021. (lg) (Entered: 12/08/2021)

01/06/2022	70	STRICKEN (per 1/7/2022 Order) REPLY/Objections by Craig Alford to 67 Answer to Complaint. (Attachments: # 1 Exhibits) (lg) Modified on 1/7/2022 (lg). (Entered: 01/06/2022)
01/06/2022	71	MOTION to Appoint Counsel by Craig Alford. (lg) (Entered: 01/06/2022)
01/07/2022	72	ORDER - IT IS HEREBY ORDERED that 70 Alford's Reply to Defendants' Answer is STRICKEN; Clerk directed to provide to Alford another copy of Doc 68 and 69. Signed by Chief Judge Matthew W. Brann on 1/7/2022. (lg) (Entered: 01/07/2022)
01/07/2022	73	AMENDED COMPLAINT against All Defendants, filed by Craig Alford. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (nr) (Entered: 01/07/2022)
01/13/2022	74	Mail Returned as Undeliverable - 12/8/2021 Memorandum Opinion and Order mailed to Christopher Klement and Howard Wolfe (note: search of PA Dept of Corrections Inmate Locator shows that Klement and Wolfe are in Monroe County Correctional Facility, the address on our docket). (lg) (Entered: 01/13/2022)
01/13/2022	75	Mail Returned as Undeliverable - 12/8/2021 Memorandum Opinion and Order mailed to Justin Coate (note: search of PA Dept of Corrections Inmate Locator shows no record for a Justine Coate) (lg) (Entered: 01/13/2022)
01/14/2022	76	ORDER - IT IS HEREBY ORDERED that all claims under 42 USC Section 1983 asserted by plaintiffs Lora, Medina, Coate, Klement, Rosario, Wolfe and Webster are dismissed; Clerk directed to mark the plaintiffs listed as terminated. Plaintiffs Jhon Lora, Luis Medina, Miguel Eduardo Rosario, Damaon Webster, Howard Wolfe, Justin Coate and Christopher J. Klement terminated. Signed by Chief Judge Matthew W. Brann on 1/14/2022. (lg) (Entered: 01/14/2022)
01/18/2022	77	Letter to the court from Craig Alford. (nr) (Entered: 01/18/2022)
01/18/2022	78	Document filed entitled "Pennsylvania Rules" by Craig Alford. (nr) (Entered: 01/18/2022)
01/27/2022	79	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Mr. Armond, Lt. Baylor, Garry Haidle, George Warden. (Attachments: # 1 Proposed Order) (Geiger, Gerard) (Entered: 01/27/2022)
01/27/2022	80	BRIEF IN SUPPORT re 79 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Mr. Armond, Lt. Baylor, Garry Haidle, George Warden. (Geiger, Gerard) (Entered: 01/27/2022)
02/10/2022	82	BRIEF IN OPPOSITION (entitled "Reply") to 79 Defendants' motion to dismiss for failure to state a claim filed by Craig Alford. (lg) (Entered: 03/08/2022)
02/25/2022	81	ORDER - IT IS HEREBY ORDERED that Alford shall file a response to 79 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM on or before 3/11/2022. Brief in Opposition ddl set 3/11/2022. Signed by Chief Judge Matthew W. Brann on 2/25/2022. (lg) (Entered: 02/25/2022)
03/14/2022	83	BRIEF IN OPPOSITION re 79 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Craig Alford. (Attachments: # 1 Brief in Support of Brief in Opposition, # 2 Exhibits) (lg) (Entered: 03/14/2022)
03/14/2022	84	Letter to Court from Craig Alford. (lg) (Entered: 03/14/2022)

05/25/2022	85	Copy Request Received from Craig Alford re docket sheet. (Courtesy partial docket sheet sent from 63 - 84 including note re copy fees) (nr) (Entered: 05/25/2022)
08/04/2022	86	ORDER - IT IS HEREBY ORDERED that 71 Plaintiff's Motion to Appoint Counsel is denied without prejudice. Signed by Chief Judge Matthew W. Brann on 8/4/2022. (lg) (Entered: 08/04/2022)
08/09/2022	87	MEMORANDUM (Order to follow as separate docket entry) re 79 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Lt. Baylor, Garry Haidle, George Warden, Mr. Armond. Signed by Chief Judge Matthew W. Brann on 8/9/2022. (lg) (Entered: 08/09/2022)
08/09/2022	88	ORDER (memorandum filed previously as separate docket entry) - IT IS HEREBY ORDERED that 79 Defendants' motion to dismiss is GRANTED in part and DENIED in part; this case shall proceed on the following claims: 1) Alford's official capacity 14th Amendment due process claim against Defendant Haidle and 2) Alford's individual capacity 14th Amendment due process claims against Defendants Baylor, Armond and Haidle. (See Order for complete details.) Signed by Chief Judge Matthew W. Brann on 8/9/2022. (lg) (Entered: 08/09/2022)
08/24/2022	89	MOTION for Pretrial Conference filed by Craig Alford. (Attachment: # 1 Proposed Order)(lg) (Entered: 08/24/2022)
08/25/2022	90	ORDER - IT IS HEREBY ORDERED that 89 Plaintiff's Motion for Pretrial Conference is denied; following the filing of Defendants' answer, a case management order shall issue. Signed by Chief Judge Matthew W. Brann on 8/25/2022. (lg) (Entered: 08/25/2022)
08/26/2022	91	ANSWER to 73 Amended Complaint by Mr. Armond, Lt. Baylor, Garry Haidle. (Geiger, Gerard) (Entered: 08/26/2022)
08/30/2022	92	ORDER - IT IS HEREBY ORDERED that Discovery ddl is 1/20/2023; on/before 1/27/2023 the parties shall inform the Court whether they are agreeable to mediation; Dispositive motions due by 3/10/2022; the scheduling of a final pretrial conference and trial is deferred pending resolution of any dispositive motions. Notice of Compliance ddl set 1/27/2023. Signed by Chief Judge Matthew W. Brann on 8/30/2022. (lg) (Entered: 08/30/2022)
08/30/2022	93	MOTION for Summary Judgment filed by Craig Alford. (Attachments: # 1 Exhibits, # 2 Proposed Order)(lg) (Entered: 08/30/2022)
09/06/2022	94	REPLY by Craig Alford to 91 Answer to Amended Complaint. (lg) (Entered: 09/06/2022)
09/21/2022	95	MOTION Compelling Discovery / Sanction for Discovery Abuse by Craig Alford. (Attachments: # 1 Proposed Order)(jr) (Entered: 09/22/2022)
09/21/2022	96	MOTION to Compel appearance for deposition of Defendants by Craig Alford. (Attachments: # 1 Proposed Order)(jr) (Entered: 09/22/2022)
09/27/2022	97	ORDER - IT IS HEREBY ORDERED that 95 Motion to Compel Discovery and 96 Motion to Compel appearance for deposition of Defendants are both denied. Plaintiff shall comply with Local Rule of Court 26.3 for any discovery disagreement he may have with the opposing party. (See Order for complete details) Signed by Chief Judge Matthew W. Brann on 9/27/2022 (nr) (Entered: 09/27/2022)

clerk's office

10/03/2022	98	ORDER - IT IS HEREBY ORDERED that Plaintiff's 93 Motion for Summary Judgment is DENIED without prejudice for failure to comply with the Local Rules of Court. Signed by Chief Judge Matthew W. Brann on 10/3/2022. (jr) (Entered: 10/03/2022)
10/03/2022	99	MOTION for Declaratory Judgment by Craig Alford. (Attachments: # 1 Exhibit(s) 1-A, # 2 Exhibit(s) 1-B, # 3 Exhibit(s) 1-C, # 4 Exhibit(s) 1-D, # 5 Exhibit(s) 1-E)(ea) (Entered: 10/03/2022)
10/06/2022	100	MOTION to Compel Discovery and for Sanctions by Craig Alford.(nr) (Entered: 10/06/2022)
10/07/2022	101	Copy Request Received re docket sheet from Craig Alford. (10/07/2022 - Mailed docket to Alford - sent \$1 check for copy fee to Scranton for processing.) (ea) (Entered: 10/07/2022)
10/13/2022	102	REQUEST for Subpoenas by Craig Alford. (ea) (Entered: 10/13/2022)
10/19/2022	103	BRIEF IN SUPPORT of 93 MOTION for Summary Judgment filed by Craig Alford. (ea) (Entered: 10/19/2022)
10/20/2022	104	ORDER - IT IS HEREBY ORDERED that Plaintiff's 99 Motion for Declaratory Judgment is DEEMED withdrawn (see Order for full/complete details). Signed by Chief Judge Matthew W. Brann on 10/20/2022 (ea) (Entered: 10/20/2022)
10/20/2022	105	MOTION to Compel Discovery, etc. by Craig Alford. (Attachments: # 1 Proposed Order, # 2 Exhibit(s) Letter to counsel) (ea) (Entered: 10/20/2022)
10/21/2022	106	Copy Request Received from Craig Alford. Copy Fee Letter mailed to Alford 10/21/2022. (Attachments: # 1 Copy Fee Letter) (ea) (Entered: 10/21/2022)
10/26/2022	107	ORDER - IT IS HEREBY ORDERED that Plaintiff's 100 Motion to Compel Discovery and for sanctions is DEEMED withdrawn. Signed by Chief Judge Matthew W. Brann on 10/26/2022 (ea) (Entered: 10/26/2022)
11/07/2022	108	BRIEF IN SUPPORT re 105 MOTION to Compel Discovery filed by Craig Alford.(nr) (Entered: 11/07/2022)
11/07/2022	109	Document filed entitled "Motion for Reconsideration of 100 Motion to Compel Discovery and for Sanctions" by Craig Alford. (Attachments: # 1 Proposed Order) (ea) (Entered: 11/07/2022)
11/14/2022	110	MOTION for Declaratory Judgment by Craig Alford. (ea) (Entered: 11/14/2022)
11/14/2022	111	BRIEF IN SUPPORT of 110 MOTION for Declaratory Judgment filed by Craig Alford. (Attachments: Exhibit 1-A, Exhibit 1-B, Exhibit 1-C, Exhibit 1-D, Exhibit 1-E) (ea) (Entered: 11/14/2022)
11/14/2022	112	MOTION for Summary Judgment by Craig Alford. (Attachments: # 1 Proposed Order) (ea) (Entered: 11/14/2022)
11/14/2022	113	BRIEF IN SUPPORT of 112 MOTION for Summary Judgment filed by Craig Alford. (Attachments: Exhibit A1, Exhibit B1)(ea) (Entered: 11/14/2022)
12/05/2022	114	NOTICE - Defendant's not agreeable to Mediation, filed by Craig Alford. (ea) (Entered: 12/05/2022)

*FILED
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CLERK'S*

12/08/2022	115	ORDER - IT IS HEREBY ORDERED that Defendant's shall respond to Plaintiff's 105 MOTION to Compel Discovery by 12/18/2022 or the Motion will be deemed unopposed. (See Order for further details) Signed by Chief Judge Matthew W. Brann on 12/08/2022. (ea) (Entered: 12/08/2022)
12/08/2022	116	ORDER - IT IS HEREBY ORDERED that Defendant's shall respond to Plaintiff's 112 MOTION for Summary Judgment and 110 MOTION for Declaratory Judgment by 12/18/2022 or the motions will be deemed unopposed. (See Order for further details) Signed by Chief Judge Matthew W. Brann on 12/08/2022. (ea) (Entered: 12/08/2022)
12/16/2022	117	RESPONSE by Mr. Armond, Lt. Baylor, Garry Haidle to 105 MOTION to Compel Discovery, etc. (Attachments: # 1 Exhibit(s) A)(Geiger, Gerard) Modified on 1/4/2023 (jr) (Entered: 12/16/2022)
12/17/2022	118	RESPONSE by Mr. Armond, Lt. Baylor, Garry Haidle to 111 Brief in Support. (Geiger, Gerard) (Entered: 12/17/2022)
12/17/2022	119	BRIEF IN OPPOSITION re 110 MOTION for Declaratory Judgment filed by Mr. Armond, Lt. Baylor, Garry Haidle.(Geiger, Gerard) (Entered: 12/17/2022)
12/17/2022	120	RESPONSE by Mr. Armond, Lt. Baylor, Garry Haidle to 113 Brief in Support of Motion for Summary Judgment. (Attachments: # 1 Exhibit(s) A--Orders suspending Rule 600)(Geiger, Gerard) (Entered: 12/17/2022)
12/17/2022	121	BRIEF IN OPPOSITION re 112 MOTION for Summary Judgment filed by Mr. Armond, Lt. Baylor, Garry Haidle.(Geiger, Gerard) (Entered: 12/17/2022)
12/27/2022	122	Document filed entitled "Plaintiff's Reply to Defendants Answer to motion to Compel Discovery, Sanctions, and Appearance" by Craig Alford. (ea) (Entered: 12/27/2022)
01/03/2023	123	REPLY BRIEF to Defendants Response to 110 MOTION for Declaratory Judgment filed by Craig Alford. (ea) (Entered: 01/03/2023)
01/03/2023	124	REPLY BRIEF to Defendants Response to 112 MOTION for Summary Judgment filed by Craig Alford. (ea) (Entered: 01/03/2023)
01/03/2023	125	Letter to the Court re ethics from Craig Alford. (Attachments: # 1 "Ethics Forum") (ea) (Entered: 01/03/2023)
01/03/2023	126	REPLY BRIEF to Defendants' Answer to 105 Motion to Compel Discovery, Sanctions, and for Appearance by Craig Alford. (ea) (Entered: 01/03/2023)
01/03/2023	127	MOTION for Summary Judgment and Declaratory Judgment by Craig Alford. (Attachments: # 1 Proposed Order)(ea) (Entered: 01/03/2023)
01/11/2023	128	Document filed by Craig Alford entitled "Brief in Support of my reply to Defendants Opposition". (ea) (Entered: 01/11/2023)
01/11/2023	129	Document filed by Craig Alford entitled "Brief Reply to Defendants Brief in Opposition". (ea) (Entered: 01/11/2023)
01/20/2023	130	Document filed by Craig Alford entitled "Proof Geiger has committed perjury in this court and did not submit discovery". (Attachments: # 1 Exhibit X-1)(ea) (Entered: 01/20/2023)
02/06/2023	131	MOTION to Appoint Counsel by Craig Alford. (Attachments: # 1 Letter from Attorney Stretton to Alford)(ea) (Entered: 02/06/2023)

02/06/2023	132	BRIEF IN SUPPORT re 131 MOTION to Appoint Counsel filed by Craig Alford. (ea) (Entered: 02/06/2023)
02/08/2023	133	ORDER - IT IS HEREBY ORDERED that 131 Motion to Appoint Counsel is DENIED. Signed by Chief Judge Matthew W. Brann on 02/08/2023 (ea) (Entered: 02/08/2023)
02/21/2023	134	Copy Request Received re docket sheet from Craig Alford. (Courtesy docket sheet mailed to Alford from doc. 101-134) (ea) (Entered: 02/21/2023)
02/27/2023	135	Document filed by Craig Alford entitled "Memorandum Setting for Trial" (ea) (Entered: 02/27/2023)
03/10/2023	136	MOTION for Summary Judgment by Mr. Armond, Lt. Baylor, Garry Haidle. (Attachments: # 1 Proposed Order)(Geiger, Gerard) (Entered: 03/10/2023)
03/10/2023	137	STATEMENT OF FACTS re 136 MOTION for Summary Judgment filed by Mr. Armond, Lt. Baylor, Garry Haidle. (Attachments: # 1 Exhibit(s) A--Supporting documents)(Geiger, Gerard) (Entered: 03/10/2023)
03/10/2023	138	BRIEF IN SUPPORT re 136 MOTION for Summary Judgment filed by Mr. Armond, Lt. Baylor, Garry Haidle.(Geiger, Gerard) (Entered: 03/10/2023)
03/10/2023	139	MEMORANDUM (Order to follow as separate docket entry) re 112 MOTION for Summary Judgment; 110 MOTION for Declaratory Judgment; 105 MOTION to Compel Discovery; 127 MOTION for Summary Judgment filed by Craig Alford. Signed by Chief Judge Matthew W. Brann on 3/10/2023. (nr) (Entered: 03/10/2023)
03/10/2023	140	ORDER (memorandum filed previously as separate docket entry) - IT IS HEREBY ORDERED that 110 MOTION for Declaratory Judgment is DENIED; 105 MOTION to Compel Discovery is DENIED 127 MOTION for Summary Judgment is DENIED 112 MOTION for Summary Judgment is DENIED. (See Order for full/complete details) Signed by Chief Judge Matthew W. Brann on 3/10/2023. (nr) (Entered: 03/10/2023)
03/13/2023	141	TEN (10) DAY ADMINISTRATIVE ORDER - Within 10 days of the date of this Order, the Warden or other appropriate official of the institution at which Plaintiff is currently incarcerated is directed to provide to the Court, under oath, or declare under penalty of perjury, an updated statement of the current balance in the Plaintiff's account and a record of the transactions in his account that have occurred with the preceding six (6) months. Order sent to Superintendent and plaintiff. Signed by LP on 03/13/2023. (lp) (Entered: 03/13/2023)
03/20/2023	142	NOTICE OF APPEAL in PRISONER Case as to 140 Order (memorandum filed previously as separate docket entry). 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: 03/20/2023)
03/23/2023	144	CERTIFIED Prisoner Trust Fund Account Statement by Craig Alford. (ea) (Entered: 03/23/2023)
03/27/2023	145	MOTION for Extension of Time to "Submit Objections to 3/10/2023 Memorandum and Order" by Craig Alford.(nr) (Entered: 03/27/2023)

03/28/2023	<u>146</u>	ORDER - IT IS HEREBY ORDERED that Plaintiff's <u>145</u> Motion for Extension of time is GRANTED only to the extent that he shall have until 04/21/2023 to respond to Defendants' <u>136</u> motion for summary judgment. Signed by Chief Judge Matthew W. Brann on 03/28/2023. (ea) (Entered: 03/28/2023)
03/29/2023	<u>147</u>	Letter to the court re copies for filing of NOA from Craig Alford. (Docket sheet and NOA copies sent) (nr) (Entered: 03/29/2023)
03/31/2023	<u>148</u>	OBJECTIONS by Craig Alford to <u>139</u> Memorandum and <u>140</u> Order. (Attachments: # <u>1</u> Proposed Order) (ea) (Entered: 03/31/2023)
04/04/2023	<u>149</u>	BRIEF IN OPPOSITION re <u>136</u> MOTION for Summary Judgment filed by Craig Alford. (Attachments: # <u>1</u> "Brief in Support of Brief in Opposition")(nr) (Entered: 04/04/2023)
04/04/2023	<u>150</u>	STATEMENT OF FACTS re <u>149</u> Brief in Opposition to Motion for Summary Judgment filed by Craig Alford. (Attachments: # <u>1</u> Exhibit(s))(nr) (Entered: 04/04/2023)
05/11/2023	<u>151</u>	CERTIFIED ORDER of USCA in lieu of formal MANDATE as to <u>142</u> Notice of Appeal, filed by Craig Alford (RL) (Entered: 05/11/2023)
05/12/2023	<u>152</u>	REQUEST for Discovery Conference by Craig Alford. (Attachments: # <u>1</u> Proposed Order)(ea) (Entered: 05/12/2023)
05/15/2023	<u>153</u>	ORDER - IT IS HEREBY ORDERED that Plaintiff's <u>152</u> motion for a pretrial and discovery conference is DENIED. Signed by Chief Judge Matthew W. Brann on 05/15/2023. (ea) (Entered: 05/15/2023)
05/25/2023	<u>154</u>	Document filed entitled "Oppse Def. Summary Judgment" by Craig Alford. (Attachments: # <u>1</u> Affidavit of Justin Coote, # <u>2</u> Bail Bond) (ea) (Entered: 05/25/2023)
10/19/2023	<u>155</u>	MEMORANDUM (Order to follow as separate docket entry) re <u>136</u> MOTION for Summary Judgment filed by Lt. Baylor, Garry Haidle, Mr. Armond. Signed by Chief Judge Matthew W. Brann on 10/19/2023. (ea) (Entered: 10/19/2023)
10/19/2023	<u>156</u>	ORDER - IT IS HEREBY ORDERED that Defendants' <u>136</u> Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 is GRANTED. The Clerk of Court is directed to enter judgment in favor of Defendants and against plaintiff Craig Alford as to all remaining Section 1983 Fourteenth Amendment procedural due process claims. (See Order for further details) Signed by Chief Judge Matthew W. Brann on 10/19/2023. (ea) (Entered: 10/19/2023)
10/19/2023	<u>157</u>	CLERK'S JUDGMENT in favor of Garry Haidle, Lt. Baylor, Mr. Armond and against Craig Alford. Signed by Deputy Clerk on 10/19/2023. (ea) (Entered: 10/19/2023)
11/02/2023	<u>158</u>	NOTICE OF APPEAL in PRISONER Case as to <u>156</u> Order on Motion for Summary Judgment, by Craig Alford. 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. (ea) (Entered: 11/02/2023)
11/02/2023	<u>159</u>	ORDER - IT IS HEREBY ORDERED that if Plaintiff seeks to appeal in forma pauperis rather than paying the \$505 filing fee, he "must file a motion in the district court" that includes an affidavit that shows in the detail prescribed by Form 4 of the Appendix of Forms [his] inability to pay or to give security for fees and costs; claims

	an entitlement to redress; and states the issues that [he] intends to present on appeal." (See Order for further details) Signed by Chief Judge Matthew W. Brann on 11/2/2023. (ea) (Entered: 11/02/2023)
11/03/2023	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>159</u> Order. Documents and Docket Sheet available through ECF. 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. (ea) (Entered: 11/03/2023)

~~APPENDIX C~~

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

600
571

No. 20-3297

\$1,672,000.00
(+) interest

Lora v. Baylor

To: Clerk

1) Motion by Appellant to Reopen Appeal

This appeal concluded when the Court issued its decision vacating the District Court's judgment and remanding the matter to the District Court for further proceedings. In the foregoing motion, the appellant asks that the Court reopen this case so that he may seek review of the District Court's newest judgment entered on October 19, 2023.

No action will be taken on the foregoing motion to reopen within the context of this appeal. This appeal has concluded, and the Court's opinion and judgment made no provision for reopening the appeal.

It is noted that the appellant filed a new notice of appeal with the District Court seeking review of the judgment entered on October 19, 2023. This new appeal has been docketed at No. 23-2987.

merger.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: November 7, 2023
PDB/cc: Craig Alford
All Counsel of Record

APPENDIX C

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

CRAIG ALFORD,

Plaintiff,

v.

LEA BAYLOR, *et al.*,

Defendants.

No. 1:20-CV-01787

(Chief Judge Brann)

MEMORANDUM OPINION

OCTOBER 19, 2023

Plaintiff Craig Alford filed this *pro se* Section 1983¹ action, alleging constitutional violations during his pretrial detention at Monroe County Correctional Facility in Stroudsburg, Pennsylvania. Presently pending is Defendants' motion for summary judgment on all remaining claims pursuant to Federal Rule of Civil Procedure 56. For the following reasons, the Court will grant Defendants' Rule 56 motion.

¹ 42 U.S.C. § 1983. Section 1983 creates a private cause of action to redress constitutional wrongs committed by state officials. The statute is not a source of substantive rights; it serves as a mechanism for vindicating rights otherwise protected by federal law. *See Gonzaga Univ. v. Doe*, 536 U.S. 273, 284-85 (2002).

I. FACTUAL BACKGROUND²

On June 7, 2020, Alford was arrested pursuant to a state criminal complaint charging him with multiple felonies related to various firearms offenses.³ That same day, he was placed into pretrial detention at Monroe County Correctional Facility (MCCF) in Stroudsburg, Pennsylvania, with his bail set at \$100,000.⁴ Alford remained in pretrial detention at MCCF until his jury trial in May 2021, at the conclusion of which he was convicted on several felony charges and subsequently sentenced to 156 to 324 months' incarceration.⁵

² Local Rule of Court 56.1 requires that a motion for summary judgment be supported "by a separate, short, and concise statement of the material facts, in numbered paragraphs, as to which the moving party contends there is no genuine issue to be tried." LOCAL RULE OF COURT 56.1. A party opposing a motion for summary judgment must file a separate statement of material facts, responding to the numbered paragraphs set forth in the moving party's statement and identifying genuine issues to be tried. *Id.* Defendants filed their statement of material facts concurrently with their motion for summary judgment. *See* Doc. 137. Instead of responding to this statement, as required by Rule 56.1, Alford filed his own statement of facts that does not correspond to the movant's statement and includes numerous additional paragraphs. *See generally* Doc. 150. Alford's filing is not permitted by Rule 56.1. *See Barber v. Subway*, 131 F. Supp. 3d 321, 322 n.1 (M.D. Pa. 2015) (explaining that separate, nonresponsive statement of facts by nonmovant is "neither contemplated nor permitted by the Local Rules"). Moreover, most of Alford's statements of facts are not supported by references to the record, as required by the rule. *See Weitzner v. Sanofi Pasteur Inc.*, 909 F.3d 604, 613 (3d Cir. 2018) (explaining that Local Rule 56.1 "is essential to the Court's resolution of a summary judgment motion due to its role in organizing the evidence, identifying undisputed facts, and demonstrating precisely how each side proposed to prove a disputed fact with admissible evidence." (emphasis supplied) (internal quotation marks and citations omitted)). In fact, only 6 of Alford's 38 paragraphs contain record citations. *See* Doc. 150 ¶¶ 1, 3, 4, 13, 17, 24. Thus, Defendants' statement of material facts will be considered admitted unless properly rebutted or plainly contradicted by the record. *See* LOCAL RULE OF COURT 56.1.

³ Doc. 137 ¶¶ 1-2.

⁴ *Id.* ¶¶ 2-3.

⁵ *Id.* ¶¶ 4, 5, 11.

This civil action was originally commenced on October 1, 2020, by eight plaintiffs⁶ who—at that time—were all pretrial detainees at MCCF. The complaint was styled as a “class action,” seeking to bring collective Section 1983 claims against four defendants—three prison officials at MCCF and the Monroe County prothonotary (or clerk of court). The gravamen of the complaint was that the plaintiffs were being unlawfully held in pretrial detention and without arraignment longer than permitted by various Pennsylvania Rules of Criminal Procedure, thus violating the plaintiffs’ constitutional rights.⁷ According to the allegations, some plaintiffs were being held in pretrial detention longer than allowed after the filing of a criminal complaint (in violation of Rule 600), and others were being held in pretrial detention too long without arraignment (in violation of Rule 571).⁸ The plaintiffs specifically noted that they were not “seeking release [from] custody,” only monetary damages for the purported illegal pretrial confinement.⁹

On October 13, 2020, the Court¹⁰ dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), finding that the plaintiffs’ Section 1983 claims were barred by the Supreme Court’s decision in *Heck v. Humphrey*.¹¹ Only one

⁶ Those plaintiffs were Jhon Lora, Luis Medina, Craig Alford, Justin Coate, Christopher J. Klement, Miguel Eduardo Rosario, Howard Wolfe, and Damaon Webster. *See* Doc. 1 at 1, 2.

⁷ Doc. 1 at 5-9.

⁸ *See id.* at 7.

⁹ *Id.* at 9.

¹⁰ This case was previously assigned to the Honorable John E. Jones III. It was reassigned to the undersigned following remand by the United States Court of Appeals for the Third Circuit and Judge Jones’ August 1, 2021 retirement from the federal bench.

¹¹ 512 U.S. 477 (1994).

plaintiff, Craig Alford, appealed.¹² The United States Court of Appeals for the Third Circuit vacated the October 13, 2020 judgment and remanded for further proceedings as to Alford's Section 1983 claim involving failure to timely arraign, holding only that it was not barred by the favorable termination rule in *Heck v. Humphrey*.¹³

On remand, this Court reviewed the complaint to determine if it stated a claim for relief absent any *Heck v. Humphrey* bar. On December 8, 2021, the Court dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.¹⁴ Specifically, the Court determined that the complaint did not plead facts plausibly establishing how the named Defendants had violated the Fourteenth Amendment.¹⁵ The Court dismissed the complaint but granted Alford leave to amend.¹⁶

In December 2021, Alford filed an amended complaint. He again attempted to file for himself and on the behalf of other plaintiffs, but those other plaintiffs were dismissed from this action less than a month later for failure to file amended

¹² See Doc. 51. As the Third Circuit noted, only Alford signed the notice of appeal and thus only Alford's claim was considered by the panel. See *Lora v. Lt. Baylor*, 853 F. App'x 801, 802 n.1 (3d Cir. 2021) (mem.) (nonprecedential).

¹³ *Lora*, 853 F. App'x at 803 & n.4.

¹⁴ See generally Docs. 68, 69.

¹⁵ See Doc. 68 at 4-5.

¹⁶ Doc. 69. The Court additionally explained that, "[t]o the extent that the Third Circuit's decision vacating the October 13, 2020 judgment applies to all plaintiffs and not just Alford (who alone successfully appealed dismissal of his Section 1983 claim), the same reasoning provided herein requires dismissal of those plaintiffs' constitutional tort claims as well." Doc. 68 at 5 n.19.

complaints.¹⁷ In its dismissal Order, the Court explicitly noted that “non-lawyer *pro se* litigants [like Alford] cannot represent other parties in federal court,”¹⁸ and that because the “amended complaint is signed only by Alford[,] it applies only to his own claims.”¹⁹

In his amended complaint, Alford alleged that his Fourteenth Amendment due process rights²⁰ were violated when he was not timely arraigned pursuant to Pennsylvania Rule of Criminal Procedure 571(A) and when he was not released on nominal bail after 180 days of pretrial detention pursuant to Rule 600(B)(1).²¹ Defendants moved to dismiss Alford’s amended complaint.²² In a lengthy opinion, the Court dismissed many of Alford’s Section 1983 claims but permitted the following to proceed: (1) Alford’s official capacity Fourteenth Amendment procedural due process claim against warden Garry Haidle based on an alleged unconstitutional policy at MCCF, and (2) Alford’s individual capacity Fourteenth

¹⁷ See Doc. 76.

¹⁸ *Id.* (citing *In re Cook*, 589 F. App’x 44, 46 (3d Cir. 2014) (nonprecedential) (citing 28 U.S.C. § 1654; *Osei-Afriyie v. Med. Coll. of Pa.*, 937 F.2d 876, 882-83 (3d Cir. 1991))).

¹⁹ *Id.*

²⁰ Alford also attempted to invoke the Eighth Amendment but, as the Court has explained on multiple occasions, because he is alleging a *pretrial* deprivation by state actors, his claims implicate only the Fourteenth Amendment. See Doc. 68 at 3; Doc. 87 at 6 (citing *Jacobs v. Cumberland County*, 8 F.4th 187, 193-94 (3d Cir. 2021); *Thomas v. Cumberland County*, 749 F.3d 217, 223 n.4 (3d Cir. 2014)).

²¹ See Doc. 73 ¶¶ 9-12.

²² Doc. 79.

Amendment procedural due process claims against defendants Lea Baylor, Gregory Armond, and Haidle.²³

Alford subsequently moved for declaratory judgment and summary judgment,²⁴ but those motions were denied because numerous material facts remained in dispute.²⁵ Defendants now move for summary judgment on all remaining claims.²⁶ The motion is fully briefed and ripe for disposition.

II. STANDARD OF REVIEW

“One of the principal purposes of the summary judgment rule is to isolate and dispose of factually unsupported claims or defenses.”²⁷ Summary judgment is appropriate where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”²⁸ Material facts are those “that could alter the outcome” of the litigation, and “disputes are ‘genuine’ if evidence exists from which a rational person could conclude that the position of the person with the burden of proof on the disputed issue is correct.”²⁹

At the Rule 56 stage, the Court’s function is not to “weigh the evidence and determine the truth of the matter” but rather “to determine whether there is a

²³ See Doc. 87 at 8-16.

²⁴ Docs. 110, 112.

²⁵ See Doc. 139 at 9-10.

²⁶ Doc. 136.

²⁷ *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986).

²⁸ FED. R. CIV. P. 56(a).

²⁹ *EBC, Inc. v. Clark Bldg. Sys., Inc.*, 618 F.3d 253, 262 (3d Cir. 2010) (quoting *Clark v. Modern Grp. Ltd.*, 9 F.3d 321, 326 (3d Cir. 1993)).

genuine issue for trial.”³⁰ The Court must view the facts and evidence presented “in the light most favorable to the non-moving party” and must “draw all reasonable inferences in that party’s favor.”³¹ This evidence, however, must be adequate—as a matter of law—to sustain a judgment in favor of the nonmoving party on the claim or claims at issue.³² A “scintilla of evidence” supporting the nonmovant’s position is insufficient; “there must be evidence on which the jury could reasonably find for the [nonmovant].”³³ Succinctly stated, summary judgment is “put up or shut up time” for the nonmoving party.³⁴

III. DISCUSSION

As noted above, Alford alleges that his Fourteenth Amendment due process rights were violated when he was not timely arraigned pursuant to Pennsylvania Rule of Criminal Procedure 571(A) and when he was not released on nominal bail after 180 days of pretrial detention pursuant to Rule 600(B)(1). Defendants raise a host of Rule 56 arguments, but only a few of them warrant discussion.

To establish a Section 1983 claim for infringement of procedural due process rights, a plaintiff must prove that “(1) he was deprived of an individual

³⁰ *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986).

³¹ *Thomas v. Cumberland County*, 749 F.3d 217, 222 (3d Cir. 2014).

³² *Liberty Lobby*, 477 U.S. at 250-57; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587-89 (1986).

³³ *Daniels v. Sch. Dist. of Phila.*, 776 F.3d 181, 192 (3d Cir. 2015) (quoting *Liberty Lobby*, 477 U.S. at 252) (alteration in original).

³⁴ *Daubert v. NRA Grp., LLC*, 861 F.3d 382, 391 (3d Cir. 2017) (quoting *Berkeley Inv. Grp. v. Colkitt*, 455 F.3d 195, 201 (3d Cir. 2006)).

interest that is encompassed within the Fourteenth Amendment's protection of 'life, liberty, or property,' and (2) the procedures available to him did not provide 'due process of law.'"³⁵ "Protected liberty or property interests generally arise either from the Due Process Clause or from state-created statutory entitlement."³⁶ If, however, a plaintiff cannot identify a protected interest that is "at stake," the analysis is at an end.³⁷

A. Alleged Rule 571 Violation

Pennsylvania Rule of Criminal Procedure 571 generally governs the arraignment process.³⁸ In particular, Rule 571(A) states, "Unless otherwise provided by local court rule, or postponed by the court for cause shown, arraignment shall take place no later than 10 days after the information has been filed."³⁹ Alford alleges that his criminal information was filed on June 29, 2020; that, according to Rule 571(A), he should have been arraigned no later than July 9, 2020; and that he was not arraigned until September 2, 2020.⁴⁰ This timing is

³⁵ *Hill v. Borough of Kutztown*, 455 F.3d 225, 233-34 (3d Cir. 2006) (quoting *Alvin v. Suzuki*, 227 F.3d 107, 116 (3d Cir. 2000)).

³⁶ *Shoats v. Horn*, 213 F.3d 140, 143 (3d Cir. 2000) (citing *Board of Regents v. Roth*, 408 U.S. 564, 575 (1972)).

³⁷ *See Wilkinson v. Austin*, 545 U.S. 209, 221 (2005).

³⁸ *See* PA. R. CRIM. P. 571; 42 PA. CONS. STAT. § 8703.

³⁹ PA. R. CRIM. P. 571(A). The Comment to Rule 571 also provides that "[u]nder paragraph (A), in addition to other instances of 'cause shown' for delaying the arraignment, the arraignment may be delayed when the defendant is unavailable for arraignment within the 10-day period after the information is filed."

⁴⁰ Doc. 73 ¶ 9.

confirmed by the docket in Alford's state criminal case.⁴¹

First, to the extent that Alford is asserting an official capacity claim against defendant Haidle for an unconstitutional municipal policy concerning untimely arraignment, Alford has not carried his Rule 56 burden. That is because Alford has failed to provide *any* evidence of an unconstitutional policy or practice promulgated by Haidle.

The official capacity allegations in Alford's amended complaint barely survived Defendants' motion to dismiss.⁴² Now, at summary judgment, the record is devoid of competent evidence establishing any such policy, practice, or custom created or enforced by Haidle. Alford, in fact, appears to rely on the allegations in his amended complaint to establish a municipal liability claim against Haidle.⁴³ However, it is well settled that "[t]he non-moving party cannot rest on mere pleadings or allegations; rather it must point to actual evidence in the record on which a jury could decide an issue of fact its way."⁴⁴ Moreover, "[t]he court need

⁴¹ See *Commonwealth v. Alford*, No. CP-45-CR-0000929-2020 (Pa. Ct. Com. Pl., Monroe Cnty.); Doc. 137-1 at 6, 11.

⁴² See Doc. 87 at 11-13 & n. 65 (noting that the Court employed liberal construction of Alford's municipal liability claim due to his *pro se*, incarcerated status).

⁴³ See Doc. 150 ¶ 35 (rehashing that he stated a claim and made plausible allegations against Defendants); Doc. 149-1 at 8-9 (claiming, without citation to evidence and in conclusory fashion, that "Haidle is a decision maker" and MCCF has a "custom or practice" that violates the constitution by not acting on grievances). Alford filed an additional document entitled "Please Be Advised: Oppose Def. Summary Judgment" on May 25, 2023, (Doc. 154), but that document was filed well beyond the deadline for summary judgment briefing in this case. Accordingly, this filing will be stricken from the record. Even if the Court were to consider it, it deals with Rule 600 nominal bail issues, which—as explained below—are obviated by the Pennsylvania judiciary's suspension of Rule 600 during the pandemic.

⁴⁴ *El v. SEPTA*, 479 F.3d 232, 238 (3d Cir. 2007).

consider only the cited materials” when ruling on a motion for summary judgment.⁴⁵ No materials have been provided or cited by Alford that would establish an unconstitutional policy implemented by Haidle at MCCC related to untimely arraignments. To the extent that Alford attempts to rely on his own experience and prison grievance, no “policy” or “custom” is established by the handling of a single detainee’s grievance regarding arraignment timing.

Furthermore, Alford has failed to properly contradict Defendants’ statement of material facts, wherein they plainly assert that he “has not identified a policy of Monroe County that is constitutionally infirm.”⁴⁶ Accordingly, summary judgment must be granted in Defendants’ favor as to the official capacity claim against Haidle for the purported Rule 571(A) violation.

Alford’s individual capacity claims against Armond, Baylor, and Haidle fail for similar reasons. While Alford may have plausibly pled a due process claim against these Defendants, his summary judgment response is woefully insufficient. At this stage in the litigation, he cannot rest on his allegations; rather, he “must point to actual evidence in the record on which a jury could decide an issue of fact [his] way.”⁴⁷ Alford simply has not done so. The only evidence that he appears to

⁴⁵ FED. R. CIV. P. 56(c)(3).

⁴⁶ Doc. 137 ¶ 27. In paragraph 27 of his statement of facts, Alford states, “I seek compensatory and punitive damages for each day I did [sic] beyond 10 days after the information filed [sic] an[d] for each day I did [sic] over 180 days in pretrial incarceration.” Doc. 150 ¶ 27.

⁴⁷ *El*, 479 F.3d at 238.

rely on is docket sheets showing the dates of the filing of his criminal information and his arraignment and the related state rules of criminal procedure.⁴⁸ But simply because Alford was not timely arraigned does not, in and of itself, create a genuine dispute of material fact as to whether the individual Defendants violated his due process rights. Alford must do much more at summary judgment to establish that *Defendants' conduct* violated his constitutional rights, not just that his arraignment was late. He has not provided or cited to any such evidence, and therefore Defendants' Rule 56 motion must be granted.

Additionally, Alford's individual capacity claims based on a purported violation of Rule 571(A) falter because they do not implicate wrongful or unjustified detention.⁴⁹ While his allegations regarding Rule 600(B)(1) may have done so,⁵⁰ he has not demonstrated how an untimely arraignment resulted in "unjustified detention" such that a Fourteenth Amendment violation was caused by Defendants' purported inaction.⁵¹ After all, Pennsylvania law is clear that defects concerning an arraignment generally "do not constitute reversible due process error

⁴⁸ See Doc. 113-1; Doc. 113-2. These documents were attached as exhibits to Alford's prior, unsuccessful motion for summary judgment but were not included in his response to Defendants' Rule 56 motion.

⁴⁹ See *Montanez v. Thompson*, 603 F.3d 243, 252 (3d Cir. 2010) (setting forth elements for individual capacity wrongful detention claim in Eighth Amendment context).

⁵⁰ See PA. R. CRIM. P. 600(B)(1) ("Except in cases in which the defendant is not entitled to release on bail as provided by law, no defendant shall be held in pretrial incarceration in excess of . . . 180 days from the date on which the complaint is filed.").

⁵¹ See *Montanez*, 603 F.3d at 252 (citation omitted).

unless they prejudice the defendant's rights."⁵² Alford has never alleged that his rights were prejudiced in his state criminal case by his late arraignment. And, as is evident from his criminal docket, Alford was afforded due process in his criminal prosecution, having received, among other procedural safeguards, a preliminary hearing, criminal information, formal arraignment, and jury trial.⁵³ Alford has not explained, much less supported with law or evidence, how an untimely arraignment resulted in unjustified detention such that he can maintain a due process claim against Defendants based on a violation of Rule 571(A).

In sum, Alford has not carried his burden to rebut Defendants' summary judgment motion regarding his Rule 571(A) claims. Summary judgment, therefore, must be granted in Defendants' favor on all remaining individual and official capacity claims concerning untimely arraignment.

B. Alleged Rule 600 Violation

Alford's due process claim regarding the alleged Rule 600(B)(1) violation is more swiftly resolved. That is because the state-created liberty interest on which he bases his due process claim—Pennsylvania Rule of Criminal Procedure 600—was suspended during the entire length of his pretrial detention. Thus, he has not identified, and indeed cannot identify, a protected liberty interest that was allegedly

⁵² *Commonwealth v. Leland*, 204 A.3d 461, 466 (Pa. Super. Ct. 2019) (citing *Garland v. Washington*, 232 U.S. 642 (1914)); *see also id.* at 465-68.

⁵³ *See id.* at 465-68.

infringed.

Alford claims, pursuant to Rule 600(B)(1), that his due process rights were violated by Defendants when he was not released on nominal bail after 180 days of pretrial detention. However, it is undisputed that, because of the COVID-19 pandemic, the President Judge of the Court of Common Pleas of Monroe County, with authorization from the Supreme Court of Pennsylvania, suspended Rule 600 from March 16, 2020, through June 30, 2021.⁵⁴ If a state-created rule of criminal procedure is the basis for the Fourteenth Amendment liberty interest,⁵⁵ as is the case here, and that rule is properly suspended (as is also the case here), no state-created liberty interest exists to be infringed. Consequently, there can be no Fourteenth Amendment due process violation.⁵⁶ Summary judgment, therefore, must be granted in Defendants' favor with respect to Alford's Rule 600(B)(1) claims, whether asserted against Defendants in their official or individual capacities.

Lastly, insofar as Alford may be attempting to argue at summary judgment that he is asserting a violation of the Sixth Amendment's speedy trial clause (rather than just a violation of Rule 600),⁵⁷ he cannot do so. This Court has already

⁵⁴ Doc. 137 ¶¶ 13-15; see *In re Gen Statewide Jud. Emergency*, 234 A.3d 408 (Pa. 2020).

⁵⁵ See, e.g., *Oviatt ex rel. Waugh v. Pearce*, 954 F.2d 1470, 1475 (9th Cir. 1992). The Court cites this case specifically because it is the primary case on which Alford relies for the instant Section 1983 litigation. See Doc. 87 at 9 n.45.

⁵⁶ See *Wilkinson*, 545 U.S. at 221.

⁵⁷ See, e.g., Doc. 149-1 at 3-4, 7-8.

addressed (and thereby informed Alford of) the absence of any Sixth Amendment speedy trial claim in the amended complaint: “Alford also cursorily mentions the Sixth Amendment, but he fails to develop this claim at all. It is possible that [he] is attempting to implicate the speedy trial clause of the Sixth Amendment, but because Alford does not include plausible allegations of a speedy trial violation, the Court will not address such a claim.”⁵⁸ Alford cannot amend his pleadings through a brief in opposition to a motion for summary judgment,⁵⁹ so there is no need to examine or discuss any Sixth Amendment speedy trial claim.⁶⁰

IV. CONCLUSION

Based on the foregoing, the Court will grant Defendants’ motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 on all remaining claims. An appropriate Order follows.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

⁵⁸ Doc. 87 at 6 n.27.

⁵⁹ *See Bell v. City of Philadelphia*, 275 F. App’x 157, 160 (3d Cir. 2008) (nonprecedential).

⁶⁰ The Court does not reach the question of whether Section 1983 liability exists for a constitutional speedy trial violation, as such discussion is wholly unnecessary for resolution of the instant motion for summary judgment.

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

CRAIG ALFORD,

Plaintiff,

v.

LEA BAYLOR, *et al.*,

Defendants.

No. 1:20-CV-01787

(Chief Judge Brann)

ORDER

AND NOW, this 19th day of October 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 136) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED**.
2. The Clerk of Court is directed to enter judgment in favor of Defendants and against plaintiff Craig Alford as to all remaining Section 1983 Fourteenth Amendment procedural due process claims.
3. This Court will not entertain any motion for leave to appeal *in forma pauperis*,¹ as Alford has already accrued three prior strikes under 28 U.S.C. § 1915(g),² and this case does not concern or implicate an "imminent danger of serious physical injury."³
4. The Clerk of Court is further directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

¹ See FED. R. APP. P. 24(a)(1).

² See *Alford v. Baylor*, No. 23-1513, Docs. 17, 20 (3d Cir. 2023).

³ 28 U.S.C. § 1915(g).