ALD-186

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **24-1915**

JAMES WOLFE, Appellant

VS.

JOHN RIVELLO; ET AL.,

(M.D. Pa. Civ. No. 3-24-cv-00021)

Present: HARDIMAN, MONTGOMERY-REEVES, and NYGAARD, Circuit Judges

Submitted are:

(1) By the Clerk for possible dismissal due to a jurisdictional defect;

(2) By the Clerk for possible dismissal under 28 U.S.C. § 1915(e)(2) or summary action under Third Circuit LAR 27.4 and I.O.P. 10.6;

(3) Appellant's response in support of jurisdiction;

(4) Appellant's memorandum in support of relief;

(5) Appellant's document in support of appeal, received by the Court on June 13, 2024;

(6) Appellant's document in support of appeal, received by the Court on June 24, 2024; and

(7) Appellant's document in support of appeal, received by the Court on June 25, 2024

in the above-captioned case.

(Continued)

JAMES WOLFE, Appellant

VS.

JOHN RIVELLO; ET AL.,
C.A. No. **24-1915**
Page 2

Respectfully,

Clerk

ORDER

This appeal is dismissed for lack of appellate jurisdiction. With exceptions not applicable here, our appellate jurisdiction is limited to reviewing final decisions of the district courts. See 28 U.S.C. § 1291. In this case, Appellant appeals from (1) an order granting a motion for extension of time to file a brief, and (2) an order granting leave to file a brief. But these orders do not qualify as final decisions, either under general finality principles, see Gillette v. Prosper, 858 F.3d 833, 838 (3d Cir. 2017), or the collateral-order doctrine, see In re Grand Jury, 705 F.3d 133, 144-45 (3d Cir. 2012). Because we lack jurisdiction, we do not decide whether it would be appropriate to dismiss this appeal under 28 U.S.C. § 1915(e)(2) or resolve it via summary action. To the extent Appellant seeks other relief from us, it is denied. This order is without prejudice to Appellant's filing of a timely notice of appeal after the District Court enters a final order in this case.

By the Court,

s/ Richard L. Nygaard
Circuit Judge

Dated: October 7, 2024
Tmm/cc: James A. Wolfe
All Counsel of Record

A True Copy:

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

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

JAMES A. WOLFE,	:	Civil No. 3:24-cv-21
Plaintiff	:	(Judge Mariani)
v.	:	
JOHN RIVELLO, BARBARA HOLLIBAUGH, MARK GRIMME, MEGAN YOST, JESSICA COUSINS,	:	
Defendants	:	

ORDER

AND NOW, this 8th day of April, 2024, upon consideration of the DOC Defendants' motion (Doc. 34) for extension of time to file a brief in support of their motion to dismiss, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 34) is **GRANTED**.

2. On or before April 29, 2024, the DOC Defendants shall file a brief in support of their motion to dismiss.

Robert D. Mariani
United States District Judge

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

JAMES A. WOLFE,	:	Civil No. 3:24-cv-21
Plaintiff	:	(Judge Mariani)
v.	:	
JOHN RIVELLO, BARBARA HOLLIBAUGH, MARK GRIMME, MEGAN YOST, JESSICA COUSINS,	:	
Defendants	:	

ORDER

AND NOW, this 9th day of April, 2024, upon consideration of Defendant Cousins' motion (Doc. 36) for leave to file a brief in support of her motion to dismiss *nunc pro tunc*, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 36) is **GRANTED**.

2. Defendant Cousins' brief (Doc. 36-2) is accepted for filing purposes only.

Robert D. Mariani
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1915

JAMES A. WOLFE,
Appellant

v.

JOHN RIVELLO; Superintendent at SCI Huntingdon;
BARBARA HOLLIBAUGH, Unit Manager at SCI Huntingdon;
MARK GRIMME, Unit Manager at SCI Huntingdon;
MEGAN YOST, Unit Manager at SCI Huntingdon;
JESSICA COUSINS, Psychiatric Nurse at SCI Huntingdon

(M.D. Pa. Civ. No. 3-24-cv-00021)

SUR PETITION FOR REHEARING

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

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

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* Pursuant to Third Circuit I.O.P. 9.5.3, Judge Richard L. Nygaard's vote is limited to panel rehearing.

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/ Richard L. Nygaard
Circuit Judge

Dated: November 5, 2024
CJG/cc: James A. Wolfe
Hannah Kogan, Esq.
Cassidy L. Neal, Esq.

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