

No. 24-6651

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
FEB - 7 2025
OFFICE OF THE CLERK

MICHAEL C. ROMIG — PETITIONER
(Your Name)

JOHN WETZEL, KATHY BRITTAINE, KERI MOORE, AND
DEPARTMENT OF CORRECTIONS, et al. ^{VS.} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Pennsylvania Middle District 12 MAP 2024
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael C. Romig QK6374 pro se
(Your Name)

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(Address)

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(City, State, Zip Code)

N/A (incarcerated)
(Phone Number)

QUESTION(S) PRESENTED

1.) Did the Pennsylvania Supreme Court error by affirming the Commonwealths Courts ORDER (that was per curiam), and without any discussuon/opinion into the matters of public importance raised by Petitioner, all in what is to be a believed attempt to protect a State Correctional Facility/Department of Corrections from a exception to a State Agency's Eleventh Amendment protection?

Suggested Answer: YES

2.) Should have the Department of Corrections be liable for monetary/compensatory damages, as a result of the Department of Corrections action/inaction, namely refusing sensitive legal mail and returning the same to sender without notifying inmate/petitioner (see Romig v. Wetzel, 280 A.3d 347, 2022 Pa. Commw. LEXIS 221, 2022 WL1612846)?

Suggested Answer: YES

3.) Should Petitioner be entitled to the requested ammount of \$80,000.00 for punitive/compensatory damages as a result of violations of Petitioners United States Constitutional rights?

Suggested Answer: YES

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- Romig v. Wetzel et,al. No. 12 MAP 2024 November 20, 2024 order affirming Commonwealth Court order (Per Curiam)
- Romig v. Wetzel et,al.,309 A.3d 1108; 2024 Pa.Commw. LEXIS 40
- Romig v. Wetzel et,al.,280 A.3d 347; 2022 Pa.Commw. Unpub LEXIS 221 2022 WL161846

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CASES	PAGE NUMBER
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Commonwealth court appears at Appendix _____ to the petition and is Not in appendix
 reported at 309 A.3d 1108; 2024/280 A.3d 347; 2022; or, (WL 161846)
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 11-20-24.
A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUTORY PROVISIONS

- 42 Pa.C.S.A. § 8522 (b) (3):

(b) Acts which may impose liability. - The following acts by a Commonwealth party may result in the imposition of liability on the Commonwealth and the defense of sovereign immunity shall not be raised to claims for damages [emphasis added] caused by:

(3) Care, custody or control of personal property. - The care, custody or control of prsonal property in the possession or control of Commonwealth parties, including Commonwealth owned personal property and property of persons held by a Commonwealth Agency [emphasis added], except that the sovereign immunity of the Commonwealth is retained as a bar to actions on claims arising out of Commonwealth Agency activities involving the use of nuclear and other radioactive equiptment, devices and material.

CONSTITUTIONAL PROVISIONS

I. Amendment U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and petition the government for redress of grievances.

V. Amendment U.S. Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy or life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

XIV. Amendment U.S. Constitution Section One

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, and citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Additional Statutory Provision

42 Pa. C.S. § 8528- Limitations on damages. Text(a)

General Rule- Actions for which damages are limited by reference to this subchapter shall be limited as set forth in this section.

(b) **Amount recoverable.**- Damages arising from the same cause of action or transaction or occurrence or; series of cause of action or transactions or occurrences shall not exceed \$250,000 in favor of any plaintiff or \$1,000,000 in aggregate.

STATEMENT OF THE CASE

This case originated as a result of the improper handling of Petitioner's sensitive legal mail regarding action by Mifflin County Tax Claim Bureau against his real-estate property. Where the Department of Corrections improperly and without notice returned this mail to sender, causing damages of complete loss of chattels from within Petitioner's home (real-estate property).

A grievance was filed with the Department of Corrections as soon as Petitioner was made aware of the situation by a family member. Administrative remedies were exhausted/denied at all stages by the Department of Corrections. Then a Petition for review was filed with the Commonwealth Court, where the Department of Corrections objections were overruled as to Petitioner's First and Fourteenth U.S. Constitution Amendment claims. See *Romig v. Wetzel*, 280 A.3d 347, 2022 Pa. Commw. Unpub. LEXIS 221 2022 (WL 161846). Then Petitioner filed a dispositive motion for judgment on pleadings to collect monetary compensation for damages for Constitutional violations above. A second Order/Opinion was issued by the Commonwealth Court that dismissed this motion as moot. See *Romig v. Wetzel*, 309 A.3d 1108; 2024 Pa. Commw. LEXIS 40.

Petitioner believing this as error filed Petition For Allowance of Appeal in the Supreme Court, of which was granted and the same was briefed. Supreme Court affirmed Commonwealth Court @ 12 MAP 2024. This appeal follows.

REASONS FOR GRANTING THE PETITION

This Petitioner believes that the Supreme Court did by affirming Commonwealth Court's order per curiam without any explanation, order, or discussion, regarding these matters of public importance, did error, and was simply an attempt to protect a State agency from civil action (namely The Department of Corrections). See Appendix A.

The Department of Corrections, did violate Claimant's Constitutional Rights by setting into action the result of complete loss of chattels from his real-estate property, by refusing important/sensitive (and believed to be legal mail) and returning the same to sender without any notice being given to the inmate. And further did by this waive any eleventh amendment immunity. Interestingly, the Department did change it's policy that inmates must be provided with a mail refusal form, but denied involvement that caused Claimant damages.

Further Petitioner believes that punitive/compensatory damages against the Commonwealth and it's agencies and employees is NOT bared, per 42 Pa.C.S. §8522 (b) (3) relating to "acts which may impose liability", and "care, Custody or control of personal property.

Because of the Commonwealth Court's own Order/Opinion @ Romig v. Wetzel, 280 A.3d 347, 2022 Pa. Commw. Unpub. LEXIS 221 2022 (WL 161846), where it opined "Although the Department's mail policy provides inmates, including Romig, with access to mail, generally, based on the Third Circuit's decision in Vogt, we cannot conclude with certainty that Romig will be unable to recover on his First Amendment claim. Thus the Department's preliminary objections as they pertain to Romig's First Amendment claim are overruled."

The Commonwealth Court's opinion above is in direct conflict with it's latter order/opinion @ Romig v. Wetzel, 309 A.3d 1108; 2024 Pa. Commw. LEXIS 40 2024, where the Commonwealth Court said there is no further relief to be granted regarding the issue of notification to an inmate of mail rejected by a prison, and for the reasons set forth in the accompanying opinion,[No good reasons], Michael C. Romig's petition for review is dismissed as moot. Where it further dismissed Romig's judgement on pleadings, as well as the Department's summary relief.

Wherefore, the Department of Correction's [Respondent's] "Knew or should have known of the Constitutionally violative effect of his [or her] actions, even if he could not reasonably have been expected to know what he actually did know. *Ante*, at 815,819,73 LEd 2d, at 408-409, 411. Thus the clever and unusually well informed violator of Constitutional rights will not evade just punishment for his crimes." *Harlow v. Fitzgerald*, 457 U.S. 800,818,102 S. Ct. 2727, 73 L.Ed 2d 396, 410 (1982) at [457 US 821]. For the above the Department should not be able to evade damages caused by it's action/ inactions.

Further, *pér 42 Pa..C.S.:§ 8528 (b)* requested amount of compensation of \$80,000.00 is within the amount recoverable by this statute, where Petitioner can recover the same.

Because of all of the above Petitioner requests for this Court to GRANT the Petitioner the above amount of monetary compensation, and any other action this Court deems appropriate in the interest of fair justice. It is further believed by Petitioner that John Wetzel, Kathy Brittain, and Keri Moore should not have been excused from this case. As a matter of public importance this case should be reviewed by this Court, to avoid bias by the State Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Michael C. Romig QK-6374

Date: February 5th 2025