

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

MICHAEL C. ROMIG, : No. 12 MAP 2024  
Appellant : Appeal from the Order of the  
v. : Commonwealth Court at No. 684  
: MD 2019 dated January 29, 2024  
JOHN WETZEL, KATHY BRITTAIR, KERI  
MOORE AND DEPARTMENT OF  
CORRECTIONS, :  
Appellees :  
:

ORDER

PER CURIAM

DECIDED: November 20, 2024

AND NOW, this 20<sup>th</sup> day of November, 2024, the order of the Commonwealth  
Court is AFFIRMED.

Judgment Entered 11/20/2024

Elizabeth Fisch  
CHIEF CLERK

(A-1)

Michael C. Romig QK6374  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

To: Supreme Court Clerk/Prothonotary  
Re: Romig, M., Aplt. v. Dept. of Corrections, et al.  
No: 12 MAP 2024

I have received your June 5th 2024 correspondence, that advised me that I have not received a copy of the original record that was filed with this Court. I will not be reproducing the record and have not reviewed the original record for accuracy. Regardless I am filing the enclosed Brief (one original and fourteen copies).

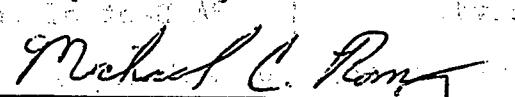
Please be advised that it will be necessary to visit the DOC website and acquire a control number and time code to send documents and correspondences to me at the above address.

It should be further noted that the caption in this matter requires correction. That being Kathy Brittain to the correct spelling "Kathy Brittain", as noted in Romig v. Wetzel 221; 280 A.3d 347 2022 Opinion/Order footnote 2, dated 23rd day of May 2022.

Adjustments have been made on Appellant's Brief cover sheet. This explanation follows to avoid confusion.

Date: July 1, 2024

Respectfully Submitted

  
Michael C. Romig QK6374

(B-1)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael C. Romig, :  
Petitioner :  
:  
v. : No. 684 M.D. 2019  
: Submitted: July 14, 2023  
John Wetzel, Kathy Brittian, :  
Keri Moore and Department of :  
Corrections, :  
Respondents:

BEFORE: HONORABLE ANNE E. COVEY, Judge  
HONORABLE MICHAEL H. WOJCIK, Judge  
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION

BY SENIOR JUDGE LEAVITT

FILED: January 29, 2024

Michael C. Romig, *pro se*, has filed a petition for review<sup>1</sup> in the nature of a mandamus action against John Wetzel, Kathy Brittian,<sup>2</sup> Keri Moore, and the Department of Corrections (Department), seeking to compel the Department to comply with its procedures for the handling of legal mail. The gravamen of Romig's action is that the Department's mailroom rejected certified mail from the Mifflin County Tax Claim Bureau (Tax Bureau) without providing him notice of the

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<sup>1</sup> In December 2019, Romig filed a document titled "Appeal From Administrative Review of Secretary's Office of Inmate Grievances & Appeals." This was followed in March 2020 by a document titled "Petition for Review (In the Nature of a Complaint in Mandamus)," seeking an order from this Court requiring the Department to respond to his aforementioned December 2019 filing and to enter a judgment against the Department for damages for failing to perform its "duty required by law." Petition for Review, 3/18/2020, at 2. The Petition for Review incorporates by reference his December 2019 grievance appeal. We view the documents, together, as constituting Romig's petition for review and distinguish them herein by date, rather than by the title Romig assigned to each filing. *See Madden v. Jeffes*, 482 A.2d 1162, 1165 (Pa. Cmwlth. 1984) ("We do not hold pro se complainants to the stringent standards expected of pleadings drafted by lawyers, and will examine the substance of their complaint to determine if [the complainants] would be entitled to relief if they proved the facts averred.").

<sup>2</sup> While her name is spelled "Brittian" in the caption, it appears that the correct spelling is Brittain. *See* Petition for Review, 12/17/2019, Attachment at 4.

rejection. Believing that his right to relief is clear and no material issue of fact is in dispute, Romig has filed a motion for judgment on the pleadings.<sup>3</sup> The Department has filed a cross-application for summary relief.

Romig, who is incarcerated at the State Correctional Institution (SCI) at Frackville, has filed a petition for review challenging the handling of his mail. The petition alleges that mail for SCI-Frackville is received and processed at SCI-Mahanoy. It further alleges that certified mail sent to Romig by the “Mifflin County Court of Common Pleas and [ ] Tax Bureau,” *i.e.*, “[l]egal [m]ail,” was rejected by SCI-Mahanoy’s mailroom. Petition for Review, 12/17/2019, ¶2. Because SCI-Mahanoy did not notify Romig that it had rejected this certified mail, Romig filed a grievance with the Department’s inmate grievance system.

Romig’s grievance was denied. SCI-Mahanoy’s mailroom supervisor, F. Walter, responded to Romig on September 19, 2019, stating, in pertinent part:

*Mail coming from a Sheriff’s Office is not considered legal mail as per the [Department’s] legal department. Any mail coming from the Sheriff’s Office should be sent through Smart Communications. When mail is refused the mail is not opened and the inmate is not notified[.]*

*Id.*, Attachment at 2 (emphasis added). The petition asserts that Walter’s response “seems to attempt to circumvent regular mail procedure for legal mail procedure.”

*Id.* ¶6.

Romig appealed the denial of his grievance to Kathy Brittain, Facility Manager, who upheld the denial. Brittain explained that Romig’s grievance was

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<sup>3</sup> Romig titled his filing “Motion for Judgment on Pleadings/Dispositive Motion,” which the Court will treat as an application for summary relief under Pennsylvania Rule of Appellate Procedure 1532(b), P.A.R.A.P. 1532(b). For summary relief, the record “is the same as a record for purposes of a motion for summary judgment.” *Summit School, Inc. v. Department of Education*, 108 A.3d 192, 195-96 (Pa. Cmwlth. 2015).

inadequate because he did not “provide a date or any evidence to substantiate that mail was sent by [the] Mifflin County Court of Common Pleas” or state in his grievance that the rejected mail was sent by certified mail. Petition for Review, 12/17/2019, Attachment at 4. Romig notes that it was impossible for him to provide this information because he never received notice that his mail had been refused.

Romig appealed Brittain’s response to the Department’s Office of Inmate Grievances and Appeals, asserting that Brittain incorrectly applied the Department’s mail policy. In his grievance appeal, Romig further contended that Brittain’s response did not address his grievance “that the mail came from [the] ‘Mifflin County Courthouse,’ and relies only on the mention of the ‘[S]heriff’s Office’, [] in [an] attempt to circumvent the circumstances.” *Id.*, Attachment at 5.

The Department’s Chief Grievance Officer concluded that “[t]he possible scenario surrounding this returned mail was explained to you; however, without more specific information such as a date, no further information can be provided.” Petition for Review, 12/17/2019, Attachment at 7. The Chief Grievance Officer added: “Further, despite your claims, no notification is required to be provided to an inmate when mail is refused[;] the sender is advised of the issue and has the option to fix it and resend the mail.” *Id.*

In his petition for review, Romig, citing *Procunier v. Martinez*, 416 U.S. 396, 418-19 (1974), contends that an inmate must be afforded (1) notice of a mail rejection, (2) a reasonable opportunity to appeal the rejection, and (3) a review by a prison official other than the official who made the initial decision. He claims that the Department’s rejection of his mail without notice to him violated his rights

under the First<sup>4</sup> and Fourteenth<sup>5</sup> Amendments to the United States Constitution. Petition for Review, 12/17/2019, ¶4. He also claims a violation of the Department’s policy on processing an inmate’s legal mail. Romig’s petition asserts that an inmate must be notified whenever the Department rejects any inmate mail. Romig seeks an order from this Court awarding him \$80,000 in “punitive damages” and compelling the Department “to formulate steps to prevent this from happening again.” *Id.* at 3.

In response to Romig’s petition for review, the Department filed preliminary objections asserting a lack of allegations personally involving John Wetzel, Kathy Brittain, and Keri Moore and a demurrer to Romig’s First and Fourteenth Amendment claims. The preliminary objections were sustained in part and overruled in part. Wetzel, Brittain and Moore were dismissed from the matter, but the Department’s demurrer to Romig’s First and Fourteenth Amendment claims was overruled. Subsequently, the Department filed an answer to the petition for review.

On January 19, 2023, Romig filed a “Motion for Judgment on Pleadings/Dispositive Motion,” arguing that “[i]t is clear that [his] constitutional rights have been violated by the Department[’s] [] actions/inactions, resulting in loss of property damages.” Romig Motion ¶1. The Department filed a cross-application for summary relief in the form of a motion for judgment on the pleadings, arguing

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<sup>4</sup> U.S. CONST. amend. I. It states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

<sup>5</sup> U.S. CONST. amend. XIV. It states, in part: “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[.]”

that Romig cannot establish a deprivation of a protected interest because his claim relates to the rejection of a single piece of mail sent by the Tax Bureau.

An application for summary relief is governed by Pennsylvania Rule of Appellate Procedure 1532(b). Rule 1532(b) provides that “[a]ny time after the filing of a petition for review in an appellate or original jurisdiction matter, the court may on application enter judgment if the right of the applicant thereto is clear.” P.A.R.A.P. 1532(b). In evaluating an application for summary relief, the Court applies the same standards that apply to summary judgment. *Myers v. Commonwealth*, 128 A.3d 846, 849 (Pa. Cmwlth. 2015) (quoting *McGarry v. Pennsylvania Board of Probation and Parole*, 819 A.2d 1211, 1214 n.7 (Pa. Cmwlth. 2003)). Specifically, summary relief is appropriate where the moving “party’s right to judgment is clear” and no material issues of fact are in dispute. *Myers*, 128 A.3d at 849 (quoting *McGarry*, 819 A.2d at 1214 n.7).

Mandamus is an extraordinary remedy used to compel the performance of a ministerial act or mandatory duty where a petitioner establishes (1) a clear legal right to relief, (2) a corresponding duty in the respondent, and (3) a lack of any other adequate and appropriate remedy at law. *Tindell v. Department of Corrections*, 87 A.3d 1029, 1034 (Pa. Cmwlth. 2014). The purpose of mandamus is not to establish rights or to compel performance of discretionary acts but, instead, to enforce rights that have been clearly established. *Id.* Ordinarily, “mandamus is not a proper vehicle for challenging the constitutionality of a statute, regulation or policy.” *Clark v. Beard*, 918 A.2d 155, 159 (Pa. Cmwlth. 2007). This is because a writ of mandamus would compel “a governmental ministerial officer to act in disobedience of the requirements of a relevant statute, before there has been a judicial

pronouncement of [its] invalidity[.]” *Unger v. Hampton Township*, 263 A.2d 385, 388 (Pa. 1970) (quoting *Booz v. Reed*, 157 A.2d 170, 172 (Pa. 1960)).

This Court has considered the constitutionality of the Department’s mail policy. In *Ortiz v. Pennsylvania Department of Corrections* (Pa. Cmwlth., No. 615 M.D. 2018, filed September 14, 2021) (unreported),<sup>6</sup> we examined the Department’s handling of both privileged and non-privileged mail. There, an inmate at SCI-Pine Grove alleged that the Department’s mail policy, at the time, imposed an impermissible burden on his constitutional rights to receive mail and to privacy because the original versions of his mail were sent to a third-party vendor where they were copied. Copies, not the original documents, were then sent to him. The inmate sought injunctive relief to enjoin the Department’s mail policy.

We held that the handling of non-privileged mail does not implicate a right to privacy. With respect to privileged mail, the analysis is different. After Ortiz filed his petition, the Department entered into a settlement in federal court, agreeing to stop copying privileged mail and to continue to use the attorney control number system.<sup>7</sup> On that basis, we concluded: “[The] mail policy does not violate [the inmate’s] constitutional rights.” *Ortiz*, slip op. at 9.

Notably, *Ortiz* did not consider the issue of mail rejection and whether an inmate is entitled to notice thereof. We must, therefore, consider whether the Department’s failure to notify Romig of rejected mail violated his constitutional rights. We begin with Romig’s First Amendment claim.

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<sup>6</sup> An unreported panel decision of Commonwealth Court, issued after January 15, 2008, may be cited for its persuasive value. See Commonwealth Court Internal Operating Procedure Section 414, 210 Pa. Code §69.414.

<sup>7</sup> The Department has established procedures for attorneys to send privileged legal mail to an inmate under Policy DC-ADM 803. This policy requires an attorney to obtain a control number pursuant to 37 Pa. Code §93.2.

Romig argues that his First Amendment rights were violated “because the mail had regards [sic] to the possible transfer of real estate property, currently owned by [Romig], of which he has a liberty interest in the real estate property, and deprivation of that protected liberty interest was hindered by the [Department’s] withholding and returning of mail to sender without notice to intended recipient.” Romig Brief at 6.

The First Amendment to the United States Constitution protects an inmate’s general right to communicate by mail. *Rivera v. Silbaugh*, 240 A.3d 229, 238 (Pa. Cmwlth. 2020). To prove a claim of interference with this right, the plaintiff must show that the interference was done according to a “pattern and practice.” *Hill v. Pennsylvania Department of Corrections*, 271 A.3d 569, 578 (Pa. Cmwlth. 2022) (quoting *Hill v. Commonwealth* (Pa. Cmwlth., No. 684 M.D. 2018, filed September 12, 2019), slip op. at 7). A “single, isolated interference with [an inmate’s] personal mail [is] insufficient to constitute a First Amendment violation.” *Rivera*, 240 A.3d at 238 (quoting *Nixon v. Secretary of Pennsylvania Department of Corrections*, 501 F. App’x 176, 178 (3d Cir. 2012)).

In this case, Romig’s petition describes a single incident, which does not give rise to a constitutional violation. Thus, Romig has failed to establish a violation of the First Amendment.

We next address Romig’s Fourteenth Amendment due process claim, which requires the plaintiff to establish the deprivation of a protected liberty or property interest. *Shore v. Pennsylvania Department of Corrections*, 168 A.3d 374, 383 (Pa. Cmwlth. 2017). Only then will the Court consider what type of procedural mechanism is required to satisfy due process. “Procedural due process rights are triggered by deprivation of a legally cognizable liberty interest. For a prisoner, a

deprivation occurs when the prison ‘imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.’” *Feliciano v. Pennsylvania Department of Corrections*, 250 A.3d 1269, 1275 (Pa. Cmwlth. 2021) (quoting *Sandin v. Conner*, 515 U.S. 472, 484 (1995)). “Lesser restraints on a prisoner’s freedom are deemed to fall ‘within the expected perimeters of the sentence imposed by a court of law.’” *Id.* at 1275-76 (quoting *Sandin*, 515 U.S. at 484).

Here, the Department processed Romig’s mail in accordance with its mail policy. On its face, Romig’s mail did not appear to be legal mail because it did not originate with his attorney, the court, or an elected or appointed federal, state, or local official; it did not contain an attorney control number. Based on the allegations in the petition for review, the rejected mail was a notice from the Tax Bureau advising him of an impending sheriff’s sale of his home and property. The question is whether the Department had a duty to provide notice to Romig that this mail had been rejected and returned to the sender.

In *Vogt v. Wetzel*, 8 F.4th 182 (3d Cir. 2021), the United States Third Circuit Court of Appeals held that prisons must notify inmates when their mail has been rejected.<sup>8</sup> That case involved facts, summarized by the Court of Appeals as follows:

Three decades ago, Vogt and Arthur McClearn were part of a group who took Francis Landry to a quarry. There, the group forced Landry off a cliff into the water before rolling a “huge rock” in behind him. Landry suffered blunt force trauma and

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<sup>8</sup> The *Vogt* decision is consistent with *Procunier*. In *Procunier*, the United States Supreme Court invalidated California prison regulations that provided for the routine censorship of inmates’ outgoing personal correspondence, on the grounds that the regulations violated the free speech rights of the prisoners’ correspondents. 416 U.S. at 408. “In the years after *Procunier* [], the [Supreme] Court abandoned the distinction between the free speech rights of inmates and their correspondents on the outside.” *Hill v. Pennsylvania Department of Corrections*, 271 A.3d 569, 574 (Pa. Cmwlth. 2022) (quoting *Bieregu v. Reno*, 59 F.3d 1445, 1451-52 (3d Cir. 1995)).

drowned. Vogt and McClearn were arrested shortly afterward. McClearn pleaded guilty to third-degree murder. Vogt went to trial, where McClearn's testimony linked him to Landry's death. The jury convicted Vogt of several crimes, including first-degree murder. As a result, he was sentenced to life without parole.

Not long before McClearn died, he sent a letter to Vogt dated October 23, 2016, in which he recanted his trial testimony. Explaining he was "ready to tell the truth," McClearn said his testimony was a lie. McClearn wrote that he had a different partner in crime that night; Vogt was "passed out in the car" and "did not go to the quarry." So according to the letter—and contrary to McClearn's testimony at trial—Vogt did not have "anything to do with" Landry's murder.

McClearn's letter never made it to Vogt that fall. The prison's policy is to reject mail lacking a return address, so it rejected the letter. Some six months later, Vogt contacted a United States Postal Service reclamation center looking for a different mailing. The Post Office returned several items, one of which was McClearn's letter. But by that time, McClearn had been dead for about five months.

*Vogt*, 8 F.4th at 184 (internal citations omitted).

In *Vogt*, the Court of Appeals rejected the Department's contention that *Procunier* applied only to censorship cases. *Vogt* concerned a content-neutral mail rejection policy, and the Court of Appeals determined that "[t]he trouble with [the Department's] argument is *Procunier* identified a liberty interest in corresponding by mail[, a]nd just as a censorship policy constrains correspondence by mail, so too does a rejection policy." *Id.* at 186. The Third Circuit noted that "[b]ecause we hold Vogt has a liberty interest under *Procunier*, we need not address whether he has a property interest." *Id.* at 187. Noting that it was unclear whether Vogt had alleged a free speech claim, the Court of Appeals determined that the issue should be resolved by the District Court on remand. The Court concluded as follows:

A host of compelling interests can justify prison mail regulations. But prisoners like Vogt have a liberty interest in corresponding by mail. So, when the prison rejected his letter, notification was required. Consistent with these principles, Vogt stated a claim that his right to procedural due process was violated because he alleged [the] letter [at issue] was rejected without notice.

*Id.* Accordingly, the Court of Appeals vacated the District Court's order dismissing Vogt's Fourteenth Amendment procedural due process claim. In sum, *Vogt* established that prisons must provide minimal procedural safeguards when they censor or withhold delivery of a particular letter.

Here, a letter was sent to Romig from the Tax Bureau. The Department rejected that letter and returned it to the sender, without providing notice to Romig. Romig has a liberty interest in corresponding by mail. *Vogt*, 8 F.4th at 187. When the Department rejected the letter from the Tax Bureau addressed to Romig and did not provide him with notice of such, it violated Romig's right to due process. *See generally Vogt*, 8 F.4th at 186-87; *Procunier*, 416 U.S. at 417-18.

The Department argues that Romig's claim is barred by qualified immunity because the constitutional right of a prisoner to receive notice of prison officials' rejection of that inmate's incoming, non-legal mail had not been clearly established when it occurred. However, *Procunier* predates *Vogt*, and it established a due process right to notice and an opportunity to challenge a prison's rejection of an inmate's mail. *See Mojica Carrion v. Wetzel*, No. 4:22-CV-00051, 2023 WL 4534597, at \*7 (M.D. Pa. July 13, 2023). Therefore, qualified immunity does not shield the Department from Romig's claim.

Romig seeks an order from this Court awarding him \$80,000 in "punitive damages" and compelling the Department "to formulate steps to prevent this from happening again." Petition for Review, 12/17/2019, at 2-3. The

Department counters that any injury sustained by Romig as a result of the rejection of the letter was not irreparable. Department's Brief at 15. The Real Estate Tax Sale Law (Tax Sale Law)<sup>9</sup> permits a taxpayer to file objections or exceptions to the tax sale itself.

First, Romig's claim for punitive damages against the Commonwealth and its agencies and employees is barred.<sup>10</sup> 42 Pa. C.S. §8528(c); *Feingold v. Southeastern Pennsylvania Transportation Authority*, 517 A.2d 1270, 1276-77 & n.8 (Pa. 1986). Second, on March 31, 2022, the Department directed all SCI mailrooms and security officers, "effective immediately," that "mailrooms should begin using the Unacceptable Correspondence Form any time mail is addressed to an inmate, the inmate's identity is known, and the mail is being returned to the sender, confiscated or otherwise will not be delivered to the inmate by the mailroom." Department New Matter ¶¶1-2. Romig admits that the Department "began to make changes to [the mail policy], where inmates must be notified of incoming mail that is refused." Romig Answer to New Matter ¶1. In fact, on March 5, 2022, Romig received an Unacceptable Correspondence Form for mail sent from the Tax Bureau without a control number. Department New Matter ¶3; Romig Answer to New Matter ¶3 ("This New Matter should not be confused with the piece

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<sup>9</sup> Act of July 7, 1947, P.L. 1368, *as amended*, 72 P.S. §§5860.101-5860.803.

<sup>10</sup> Further, Romig did not suffer any damages. After learning that the Tax Bureau sold his property, Romig filed a motion requesting that the tax sale be set aside for various reasons, including improper notice. *Romig v. Mifflin County Tax Claim Bureau* (Pa. Cmwlth., No. 1138 C.D. 2021, filed August 10, 2023), slip op. at 2. The trial court granted Romig's motion. Thereafter, the Tax Bureau filed a petition for confirmation of a judicial sale of multiple properties, which included Romig's property. The trial court issued a rule to show cause, and following a rule to show cause hearing, the trial court again "set aside" Romig's property from judicial sale. *Id.* Since the trial court sustained Romig's objections or exceptions, we cannot say that he has been damaged by not receiving notice that a letter from the Tax Bureau had been rejected by the Department's mail room.

of mail received and returned to sender, without any notice given to the intended party that any mail came for him on or about Sept. 3, 2019.”).

Considering that the Department has modified its mail policy, it appears the outcome Romig sought with his petition has been attained. “[A]n actual case or controversy must be extant at all stages of review[.]” *Lyft, Inc. v. Pennsylvania Public Utility Commission*, 145 A.3d 1235, 1248 (Pa. Cmwlth. 2016) (quoting *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 600 (Pa. 2002)). “A matter is moot when a court cannot enter an order that has any legal effect.” *Id.* (quoting *Mistich v. Pennsylvania Board of Probation and Parole*, 863 A.2d 116, 121 (Pa. Cmwlth. 2004)). “[M]ootness, however it may have come about, simply deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so.” *Id.* (quoting *Mistich*, 863 A.2d at 121). Here, Romig received the specific relief he sought. There is no further relief that can be granted. Accordingly, Romig’s petition for review is moot.

For the above-stated reasons, we dismiss Romig’s motion for judgment on the pleadings and the Department’s cross-application for summary relief.

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MARY HANNAH LEAVITT, President Judge Emerita

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael C. Romig,

Petitioner

v.

No. 684 M.D. 2019

John Wetzel, Kathy Brittian,  
Keri Moore and Department of  
Corrections,

Respondents:

**ORDER**

AND NOW this 29<sup>th</sup> day of January, 2024, because 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, Michael C. Romig's petition for review is DISMISSED as moot.

The motion for judgment on the pleadings filed by Michael C. Romig and the Department of Corrections' cross-application for summary relief are DISMISSED.

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MARY HANNAH LEAVITT, President Judge Emerita

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT  
SITTING IN HARRISBURG

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12 MAP 2024

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MICHAEL C. ROMIG,

Petitioner

v.

JOHN WETZEL, KATHY BRITTAIN, KERI MOORE,  
AND DEPARTMENT OF CORRECTIONS, ET AL.

Respondents

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BRIEF FOR PETITIONER / APPELLANT  
WITH APPENDICES OF DOCKET AND ORDER/OPINION

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Appeal from the Commonwealth Court Order/Opinion of January 29th  
2024, and May 23rd 2022 Order/Opinion at Docket No. 684 M.D. 2019,  
from administrative grievances filed with the Department of  
Corrections.

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PETITIONER PRO SE	RESPONDENTS COUNSEL
Michael C. Romig QK6374 S.C.I. Frackville 1111 Altamont Blvd. Frackville, Pennsylvania 17931	Tara J. Wikhan Pennsylvania Dept. of Corrections PA Dept of Corrections Ogc Mechanicsburg, Pennsylvania 17050 Phone: (717) 728-7763

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STATEMENT OF JURISDICTION

The Supreme Court has exclusive jurisdiction of appeals from final orders of the Commonwealth Court entered in any matter that was originally commenced in that court and does not constitute an appeal to the Commonwealth Court from another court, a district justice or another government unit. 42 Pa. Cons. Stat. Ann. § 723(a) and 1101(a). Therefore, the Supreme Court has exclusive jurisdiction over this appeal.

ORDER OR OTHER DETERMINATION IN QUESTION

AND NOW this 29th day of January, 2024, because 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, Michael C. Romig's petition for review is DISMISSED as moot.

The motion for judgment on pleadings filed by Michael C. Romig and the Department of Corrections' cross-application for summary relief are DISMISSED.

MARY HANNAH LEAVITT, President Judge Emerita

STATEMENT OF THE SCOPE AND STANDARD OF REVIEW

Standard of review is de nova and it's scope of review is plenary.

STATEMENT OF THE QUESTIONS INVOLVED

1.) Did the Commonwealth Court err by abusing it's discretion by dismissing judgment on pleadings?

Suggested Answer: YES

2.) Can monetary damages be recovered where a clearly established constitutional right is violated causing damages of loss of property, stemming from the Department of Correction's handling of special legal mail correspondence relating to action against claimant's real-state property?

Suggested Answer: YES

3.) Did Commonwealth Court err and abuse it's discretion, and can the Department of Corrections be liable for lost chattels from the first sale of claimant's property, as a result of action/inaction related to question 1 & 2, where bill of rights, due process, access to courts, and other constitutional rights were violated?

Suggested Answer: YES

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STATEMENT OF THE CASE

This case originated as a grievance within the Department of Corrections in Pennsylvania, where all three administrative stages were exhausted and all relief requested was denied at all stages. In the original grievance (a legible copy may be requested and will be provided to the Court by Petitioner, as in the Commonwealth Court the copy the Department of Corrections provided was blank) remedies requested included changes to policy, and monetary compensation for damages that resulted from the returning of special legal mail without notification, where complainant's real-estate property was sold and cleared of it's contents, where complainant then filed for the first halt of sale after his father told him there was a moving truck at his property, and that it had been sold. After the denial of all three administrative stages an appeal of review was filed with the Commonwealth Court, where the first order/opinion was issued by Mary Hannah Leavitt (See attachment Romig v. Wetzel May 23, 2022) where Respondents preliminary objection in the nature of a demurrer to the First and Fourteenth Amendment claims were overruled. Then Michael Romig filed a motion for judgment on pleadings to collect monetary compensation for damages. Where Mary Hannah Leavitt issued a second order/opinion of which is the source of this appeal (See attached LEXIS 40 January 29, 2024 (footnote 10). Preservation of issues have been raised in original grievance and with the Commonwealth Court.

## SUMMARY OF ARGUMENT

Statutory exceptions to Department of Corrections claim of sovereign immunity. Waiver of sovereign immunity by violations of claimant's constitutional rights. Facts relating to how claimant became aware of the sale and clearing of chattels from his real-estate property and subsequent clearing of chattels. Liability of Department of Corrections (Commonwealth) persons and property held by a Commonwealth agency.

## ARGUMENT

The Commonwealth Court's order of January 29th 2024 dismissed Michael C. Romig's motion for judgment on pleadings in error with the contentions that there is no further relief because of reasons set forth in accompanying opinion, where the court claims first that "Romig's claim for punitive damages against the Commonwealth and its agencies and employees is barred.", rationalizing this with 42 Pa. C.S. §8528(c), where Romig respectfully believes that this is error per 42 Pa. C.S §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 personal 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 equipment, devices and material.

It was well known by the Department of Corrections and employees, the legal nature of the refused mail, per the return address being from Mifflin County Courthouse, and that interference by government officials (ie Department of Corrections et., al.) could and would result in violations of claimant's U.S. Constitutional rights, specifically First, Fifth, and Fourteenth Amendments. By violating Claimant's constitutional rights grossly the Department and it's employees waive any immunity.

(B-10)

"[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 US. 800, 818, 102 S. Ct. 2727, 73 L.Ed 2d 396, 410 (1982) at [457 US 821].

In the Commonwealth Court's January 29th 2024 opinion at footnote 10, it is suggested in error that "Romig did not suffer any damages.". This is not the case and Claimant Romig did suffer damages of complete loss of chattels (personal property within the home). When this property was sold by the Tax Claim Bureau (as a result of Department of Correction refusing and returning mail to sender without any notification), claimant was unaware of any up coming sale and therefore was unable to have someone remove his chattels from the real-estate property, and has suffered irreparable loss. Claimant was insured for \$60,000.00 of belongings within the home prior to his incarceration, where claimant believes he should be compensated for his loss by the Department of Corrections in the monetary amount of \$80,000.00.

After the property was sold unbeknownst to Romig, until after his father related that a moving truck was in his driveway and that his house had been sold. Romig then filed a motion to set aside the tax sale.

(B-11)

CONCLUSION

WHEREFORE, Michael C. Romig prays this honorable Court reverse the Commonwealth Court's decisions, rule on this case in these extraordinary circumstances as if they were filed with this Court originally using the record to avoid future filings, award claimant \$80,000.00 for damages caused by the Department, and any other remedies and or relief this Court deems appropriate in the interest of justice.

Respectfully Submitted

*Michael C. Romig*

Michael C. Romig QK6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: July 1, 2024

(B-12)

IN THE SUPREME COURT OF PENNSYLVANIA

Middle District

Michael C. Romig,  
Petitioner,

v.

John Wetzel, Kathy Brittain,  
Keri Moore, and Department of  
Corrections, et., al.,  
Respondents

Supreme Court No: 12 MAP 2024

Commonwealth Court No:  
684 MD 2019

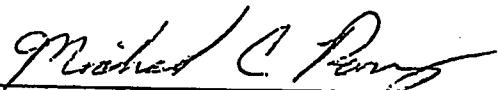
CERTIFICATE / PROOF OF SERVICE

I Michael C. Romig hereby certify that true and correct copies of the foregoing BRIEF FOR PETITIONER/APPELLANT WITH APPENDICES OF DOCKET AND ORDER/OPINION has been mailed this day by way of First Class U.S. Postal Service, and therefore served on the parties and by the correct number of copies as indicated below:

one (1) original and fourteen (14) copies	one (1) copy
Supreme Court of Pennsylvania 601 Commonwealth Avenue, Suite 4500 P.O. Box 62575 Harrisburg, Pennsylvania 17106-2575 Phone: (717) 787-6181	Pennsylvania Department of Corrections Atnn: Tara J. Wikhain 1920 Technology Parkway Mechanicsburg, Pennsylvania 17150 Phone: (717) 728-7763

Date: July 1, 2024

Respectfully Submitted

  
Michael C. Romig QK6374 pro se  
S.C.I Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

## APPENDICES

- Commonwealth Court Docket Sheet 684 MD 2019
- Commonwealth Court Opinion/Order May 23, 2022.....1a-8a
- Commonwealth Court Opinion/Order January 29, 2024.....9a-18a

(B-14)

IN THE SUPREME COURT OF PENNSYLVANIA

Michael C. Romig,  
Petitioner

v.

No. \_\_\_\_\_

John Wetzel, Kathy Brittain  
Keri Moore, and Department  
of Corrections, et. al.

Intermediate Court No.: 684 MD 2019

Respondents

:

CONTINUATION OF IN FORMA PAUPERIS

I, Michael C. Romig, ~~pro se~~, certify that I am unable to pay filing costs and fees for this petition, as I am incarcerated and have been for the past seven (7) years. IFP was previously granted by the intermediate court (Commonwealth Court), and further there has been no substantial change to my financial condition.

For all the above reasons this Petitioner prays this Honorable Court GRANT continuation of In Forma Pauperis for this Petition For Allowance Of Appeal from the Commonwealth Courts January 29th 2024 OPINION/ORDER.

Date: Previously Filed

Respectfully Submitted



File  
copy

Michael C. Romig QK6374  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

(C-1)

IN THE SUPREME COURT OF PENNSYLVANIA

Michael C. Romig, Petitioner :  
No. \_\_\_\_\_

v. :

John Wetzel, Kathy Brittain,  
Keri Moore, and Department of  
Corrections, et al. Respondents : Intermediate Court No. 684 MD 2019

PETITION FOR ALLOWANCE OF APPEAL

AND NOW COMES, Michael C. Romig (Petitioner) pro se, requesting this Honorable Court GRANT allowance of appeal from a Opinion/Order of the Commonwealth Court, for the reasons in this Petition:

JURISDICTION

This Court has jurisdiction for this appeal under 42 Pa. C.S.A. § 724(a) as this is a appeal from a final Opinion/Order from the Commonwealth Court of Pennsylvania.

REASONS FOR ALLOWANCE OF APPEAL

There are seven reasons via RULE 1114(b) for which allowance of appeal may be granted, two of which this Petitioner believes are drawn directly into question (No. 4 and 6):

- (4.) the question presented is one of such substantial public importance as to require prompt and definitive resolution by the Supreme Court;
- (6.) the intermediate appellate court has so far departed from accepted judicial practices or so abused it's discretion as to call for exercise of the Pennsylvania Supreme Court's Supervisory authority.

(C-2)

ORDER/OPIINION IN QUESTION

(Commonwealth Courts Opinion and Order is attached in appendix)

ORDER

AND NOW this 29th day of January, 2024, because 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, Michael C. Romig's petition for review is DISMISSED as moot.

The Motion for Judgment on pleadings filed by Michael C. Romig and the Department of Corrections' cross-application for summary relief are DISMISSED.

BY:

s/Mary Hannah Leavitt  
MARY HANNAH LEAVITT, President Judge Emerita

(C-3)

QUESTIONS PRESENTED

1.) Did the lower court abuse it's discretion, and can monetary damages be recovered from Commonwealth entities, relating to the handling of special mail/Legal mail for actions against complainants real estate property (42 Pa. Cons. Stat. Ann. § 8522(b)(3)?

Suggested Answer: YES

2.) Did lower court abuse it's discretion, and is the Department of Corrections liable for lost chattels from the first sale of the property (actions/inactions from question 1.), where due process and constitutional rights were violated?

Suggested Answer: YES

(C-4)

ALLOWANCE OF APPEAL SHOULD BE GRANTED

Similarly as in footnote one (1) of Commonwealth Court's January 29, 2024 Opinion, see *Madden v. Jeffes*, 482 A.2d 1162, 1165 (Pa. Cmwlth. 1984) [pro se complainants are not held] to the stringent standards expected of pleadings drafted by lawyers, and will examine the substance of their complaint to determine if [the complainants] would be entitled to relief if they proved the facts averred."

It is clear that complainant did sustain damages being that of loss of chattels removed from real estate property as a result of the property being sold without notification to the owner because of the Department of Corrections mail rooms' refusal of his legal mail without any notice whatsoever. Where after the real estate property sale all chattels were cleared from the residence, without the owner being able to make arrangements to have his property/chattels removed. This issue is not moot because although I have reversed the sale of the property, there are still damages to the real estate property and the contents/chattels/property within has not been returned and is lost.

Additionally, in PETITIONER'S WRITTEN RESPONSE TO RESPONDENT'S ANSWER AND NEW MATTER on page six (6) under notice to plead, second paragraph "Finally Petitioner believes that he is entitled to his requested relief of punitive damages compensating (emphasis added) for the loss of chattels from his real estate property and continued litigation, as a result of the Department of Corrections handling/refusal/return to sender without

(C-S)

any notice that any mail had been received for the Petitioner.

See Halstead v. Motorcycle Saftey Found., Inc., 71 F. Supp. 2d 464, 1999 U.S. LEXIS 16962 "Damages from Commonwealth entities are recoverable only for post and future loss of earning and earning capacity, pain and suffering, medical and dental expenses, loss of consortium and property loss (emphasis added).

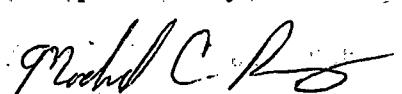
Lastly Petitioner believes the Department of Corrections had a duty to the care, custody and control of his legal Mail, where the same should have been delivered to him.

CONCLUSION

WHEREFORE, Petitioner should be GRANTED Allowance Of Appeal in this matter.

Date: Previously Filed

Respectfully Submitted

  
Michael C. Romig QK6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

File  
COPY

(C-6)

VERIFICATION

I Michael C. Romig hereby verify that the statements made in this Petition for Allowance Of Appeal and Continuation Of In Forma Pauperis are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Respectfully Submitted

*Michael C. Romig* *File COPY*

Michael C. Romig QK6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: Previously Filed

(C-7)

IN THE SUPREME COURT OF PENNSYLVANIA

Michael C. Romig,  
Petitioner

No. \_\_\_\_\_

v.

John Wetzel, Kathy Brittain,  
Keri Moore, and Department of Corrections, et., al. Intermediate Court No. 684 MD 2019

Respondents

CERTIFICATE/PROOF OF SERVICE

I certify that a true and correct copy of the foregoing Petition For Allowance Of Appeal has been mailed this day by way of First Class U.S. Postal Service and therefore served on the parties indicated below:

(one original and one copy)  
Supreme Court of Pennsylvania  
P.O. Box 62575  
601 Commonwealth Avenue, Suite 4500  
Harrisburg, Pennsylvania 17106-2575

-----  
(one copy)  
Pennsylvania Department of Corrections  
Attn: Tara J. Wikhan  
1920 Technology Parkway  
Mechanicsburg, Pennsylvania 17150

Date: Previously Filed

Respectfully Submitted

 *File  
COPY*  
Michael C. Romig QK6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

APPENDICES  
(note these pages are front & back)

- January 29, 2024 Commonwealth Court Opinion/Order..... A-1-13
- January 17, 2023 Petitioner's Motion for Judgment on Pleadings/Dispositive Motion..... B-1-6
- May 23, 2022 Commonwealth Court Opinion/Order..... C-1-16
- Petitioner's Written Response To Respondent's Answer And New Matter..... D-1-10
- June 7, 2021 Brief For Petitioner..... E-1-12
- March 20, 2020 (Petitioner's) Petition For Review (In The Nature Of a Complaint in Mandamus...  
..... F-1-4
- December 12, 2019 (Petitioner's) Appeal From Administraative Review of Secretary's Office  
of Inmate Grievance & Appeals..... G-1-5

C-9

IN THE SUPREME COURT OF PENNSYLVANIA.  
MIDDLE DISTRICT

MICHAEL C. ROMIG,

No. 12 MAP 2024

Appellant

v.

JOHN WETZEL, KATHY BRITTIAN, KERI  
MOORE AND DEPARTMENT OF  
CORRECTIONS,

Appellees

ORDER

AND NOW, this 31<sup>st</sup> day of May, 2024, probable jurisdiction is NOTED.

*Amy Dreisbach*  
Deputy Prothonotary

A True Copy Elizabeth E. Zisk  
As Of 05/31/2024

Attest: *Elizabeth Zisk*  
Chief Clerk  
Supreme Court of Pennsylvania

(D-1)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Middle District

Michael C. Romig, :  
Petitioner

v.

: Supreme Court No: 66 MT 2024

John Wetzel, Kathy Brittain,  
Keri Moore, and Department of  
Corrections, et., al.,

Respondents : Commonwealth Court No: 684 MD 2019

JURISDICTIONAL STATEMENT  
(Pursuant to Pa.R.A.P. 909, 910)

Michael C. Romig pro se (petitioner), files this jurisdictional statement pursuant to Pa.R.A.P. 909 and 910 in support of the notice of appeal filed this date and sets forth the following:

1.) This is an appeal from the decision and order of the Commonwealth Court in this matter dated January 29th 2024. The opinion/order are appended to this jurisdictional statement as APPENDIX A.

2.) The jurisdiction of the Supreme Court is based upon the following factors:

(a) 723 of the Judicial Code 42 Pa.C.S. § 723 which provides in pertinent part: appeals from the Commonwealth Court.

(b) Rule 1101 of the Pennsylvania Rules of Appellate Procedure which provides in pertinent part: appeals from final orders of the Commonwealth Court entered in any matter that was originally commenced in the Commonwealth Court.

E-1

3.) The procedural history of this case is as follows:

This case originated as a result of the denial of a grievance from the mishandling of special legal mail regarding tax sale of complainant's real-estate property (see attached opinion APPENDIX A). This was a result of Department of Corrections returning this mail to sender, without notification, thus causing damages of the complete loss of chattels within the home. Petitioner appealed to the Commonwealth Court, where a previous order/opinion was issued @ Romig v. Wetzel, 280 A.3d 347, 2022 Pa. Commw. Unpub. LEXIS 221, 2022 WL1612846 (Pa. Commw. Ct. May 23, 2022) where Respondents preliminary objection in the nature of a demurrer to the First and Fourteenth Amendment claims were overruled. After this a motion for judgment on pleadings was filed to collect monetary damages. The Commonwealth Court dismissed the judgment on pleadings with the rational that "Romig did not suffer any damages" @ footnote 10 of it's January 29th 2024 opinion (APPENDIX A). This notice of appeal and jurisdictional statement follow.

4.) Questions presented for review:

1. Did the Commonwealth Court err and abuse it's discretion by dismissing judgment on pleadings, and can monetary damages be recovered where a clearly established constitutional right is violated causing damages of loss of property, stemming from the DOC's handling of his special legal mail relating to action against his real-estate property?

Suggested Answer: YES

E-2

2. Did Commonwealth Court err and abuse it's discretion, and can the Department of Corrections be liable for lost chattels from the first sale of complainant's property (as a result of actions/inactions from question 1), where bill of rights, due process, access to courts, and constitutional rights were violated?

Suggested Answer: YES

WHEREFORE, appellant-petitioner requests this Court to treat the notice of appeal in this case as a direct appeal as of right or in alternative to treat the notice of appeal as a petition for allowance of appeal pursuant Pa.R.A.P. 1102, and allow this appeal.

Respectfully Submitted

*Michael C. Romig*

Michael C. Romig QK-6374

S.C.I. Frackville

1111 Altamont Blvd.

Frackville, Pennsylvania 17931

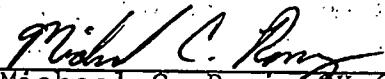
Date: March 14, 2024

(E-3)

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that requires filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted



Michael C. Romig QK-6374

S.C.I. Frackville

1111 Altamont Blvd.

Frackville, Pennsylvania 17931

Date: March 14, 2024

E-4

IN THE COMMONWEALTH COURT OF PENNSLVANIA

Middle District

Michael C. Romig, :  
Petitioner

v.

John Wetzel, Kathy Brittain, : Supreme Court No: 66 MT 2024  
Keri Moore, and Department of  
Corrections, et., al., :  
Respondents : Commonwealth Court No: 684 MD 2019

CERTIFICATE / PROOF OF SERVICE

I Michael C. Romig hereby certify that true and correct copies of this foregoing JURISDICTIONAL STATEMENT and APPENDIX (Number of copies on each indicated below) has been mailed this day by way of First Class U.S. Postal Service, and therefore served on the parties indicated below.

One (1) original & Eight (8) copies  
Commonwealth Court of Pennsylvania  
Office of the Chief Clerk  
601 Commonwealth Avenue, Suite 2100  
P.O. Box 69185  
Harrisburg, Pennsylvania 17106-9185  
Phone: (717) 787-1661

One (1) copy  
Supreme Court of Pennsylvania  
601 Commonwealth Avenue, Suite 4500  
P.O. Box 62575  
Harrisburg, Pennsylvania 17106-2575  
Phone: (717) 787-6181

One(1) copy  
Pennsylvania Department of Corrections  
Attn: Tara J. Wikhain  
1920 Technology Parkway  
Mechanicsburg, Pennsylvania 17150  
Phone: (717) 728-7763

Respectfully Submitted

*Michael C. Romig*  
Michael C. Romig QR-6374  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: March 14, 2024

IN THE COMMONWEALTH COURT OF PENNSYLVANIA  
Middle District

Michael C. Romig,  
Petitioner

v. : Supreme Court No: 66 MT 2024.

John wetzel, Kathy Brittain,  
Keri Moore, and Department of  
Corrections, et., al., : Commonwealth Court No: 684 MD 2019  
Respondents

NOTICE OF APPEAL

Notice is hereby given that I, Michael C. Romig Petitioner pro  
se, hereby appeals to the Supreme Court of Pennsylvania from a  
ORDER/OPINION by the Lower Appellate Court (Commonwealth Court)  
in this matter on the 29th day of January 2024. This order has  
been entered in the docket as evidence by the attached copy of the  
docket entry.

Respectfully Submitted

*Michael C. Romig* File Copy  
Michael C. Romig QK-6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: March 14, 2024

1.)

E-6

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted

  
Michael C. Romig Qk6374 pro se  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: March 14, 2024

IN THE COMMONWEALTH COURT OF PENNSYLVANIA  
Middle District

Michael C. Romig,  
Petitioner

v.

Supreme Court No: 66 MT 2024

John Wetzel, Kathy Brittain,  
Keri Moore, and Department of  
Corrections, et.,al.,  
Respondents ; Commonwealth Court No: 684 MD 2019

CERTIFICATE / PROOF OF SERVICE

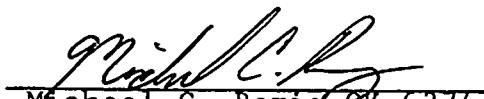
I Michael C. Romig hereby certify that true and correct copies of this foregoing NOTICE OF APPEAL and Docket of Entries (Number of copies each indicated below) has been mailed this day by way of First Class U.S. Postal Service, and therefore served on the parties indicated below:

Two (2) copies  
Commonwealth Court of Pennsylvania  
Office of the Chief Clerk  
601 Commonwealth Ave., Suite 2100  
P.O. Box 69185  
Harrisburg, Pennsylvania 17106-9185  
Phone (717) 255-1661

One (1) copy  
Supreme Court Of Pennsylvania  
601 Commonwealth Ave., Suite 4500  
P.O. Box 62575  
Harrisburg, Pennsylvania 17106-2575  
Phone (717) 787-6181

One (1) copy  
Pennsylvania Department of Corrections  
Attn: Tara J. Wikhain  
1920 Technology Parkway  
Mechanicsburg, Pennsylvania 17150  
Phone (717) 728-7763

Respectfully Submitted

  
Michael C. Romig QK-6374  
S.C.I. Frackville  
1111 Altamont Blvd.  
Frackville, Pennsylvania 17931

Date: March 14, 2024



11/18/2019 12:29

## Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals  
Pennsylvania Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050

DA 4

Inmate Name:	ROMIG, MICHAEL CHRISTOPHE	DOC #:	KR8614
SCI Filed:	Frackville	Current SCI:	Frackville
Grievance #:	824314		

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

### Decision: Uphold Response

This is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response. The following is a summary of the response, including the rationale summarizing the action taken to resolve the issue(s) raised in the grievance and your appeal if applicable.

### Response:

In this grievance, you indicate that on an unknown date this year, Mifflin County Sheriff, along with Mifflin County Court of Common Pleas, evidently attempted to serve you "Notice of Impending Sheriff Sale" of your property, which you never received. You indicate that the document was mailed to you at SCI Frackville and was refused by mailroom staff, returned to the sender, and no notification of the refusal was provided to you as policy requires. You indicate that remedy may include civil monetary action for fault of DOC due process.

Records reflect that the responses provided to you appropriately addressed your concerns. The possible scenario surrounding this returned mail was explained to you; however, without more specific information such as a date, no further information can be provided. Further, despite your claims, no notification is required to be provided to an inmate when mail is refused; the sender is advised of the issue and has the option to fix it and resend the mail. This office has nothing further to add to the responses already provided to you. Therefore, this office upholds those responses. You have not indicated how you have been harmed in any way by this event.

Signature:	<i>Von Moore Jr.</i>
Name:	Moore, Von Jr.
Title:	Chief Grievance Officer
Date:	11/18/2019

CC: DC-15/Superintendent - Frackville  
Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KR8614 Grievance #:824314

ROMIG, MICHAEL CHRISTOPHE

Page 1 of 1

F-1