

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Dorothy A. Watson, :
Appellant :
 :
v. : No. 2709 C.D. 2010
 : Submitted: August 12, 2011
Marsha A. Neifield :

OPINION NOT REPORTED

PER CURIAM
MEMORANDUM OPINION

FILED: September 13, 2011

Dorothy A. Watson (Watson), proceeding *pro se*, appeals from an order of the Court of Common Pleas for Philadelphia County, First Judicial District of Pennsylvania, Trial Division – Civil (trial court), which denied her petition to proceed *in forma pauperis* and dismissed her complaint as frivolous pursuant to Pa. R.C.P. No. 240(j). Based on Watson’s incomplete and lacking brief, we affirm the order of the trial court.

The history of this matter is somewhat difficult to discern from Watson’s brief.¹ However, from the original record, it appears that Watson, who is 75 years old and has difficulty ambulating, was living in a housing unit run by the Philadelphia Housing Authority (PHA). She was evicted from the property based on three alleged lease violations: Section 1C, occupancy by an unauthorized tenant (her son); Section 8E, failure to maintain the unit in decent, safe and sanitary

¹ Appellee did not file a brief.

conditions; and Section 8H, physical abuse of PHA employees who came to inspect the property. Watson requested a hearing to resolve the eviction and appeared before Judge Neifield along with PHA witnesses. Judge Neifield issued a decision on November 12, 2003, finding that Watson did not violate Section 1C because she produced three letters from medical personnel requesting that her son be permitted to remain on the premises as a live-in aide due to her disability. However, based on the consistency of testimony of two PHA witnesses regarding Watson's physical abuse of them during an inspection and their testimony regarding the deplorable condition of her unit, the Judge resolved credibility issues in favor of the PHA and evicted her from her unit.

Watson filed a complaint against Judge Neifield with the trial court and requested to proceed *in forma pauperis*. The trial court denied her request and dismissed her complaint as frivolous pursuant to Pa. R.C.P. No. 240(j).² In a footnote, the trial court explained:

This case arises from events occurring in 2003 relating to Plaintiff's eviction from a Housing Authority property. Defendant is the Honorable Marsha Neifield, President Judge of the Philadelphia Municipal Court. Although Plaintiff's Complaint is, for the most part, an incomprehensible patchwork of other documents and a

² Pa. R.C.P. No. 240(j) provides:

If, simultaneous with the commencement of an action or proceeding or the taking of an appeal, a party has filed a petition for leave to proceed in forma pauperis, the court prior to acting upon the petition may dismiss the action proceeding or appeal if the allegation of poverty is untrue or if it is satisfied that the action, proceeding or appeal is frivolous.

rambling narrative, almost entirely unrelated to this Defendant, it appears that the basis of the claim against Defendant Neifield is her November 12, 2003 grant of judgment against Ms. Watson in the underlying eviction action. First, Judge Neifield is immune from suit for actions taken by her in her judicial capacity. Second, any challenge to Judge Neifield's actions in the eviction case could only be raised by appeal in that case, and may not be raised by a collateral suit such as this one. Finally, any conceivable statute of limitations arising from the November 2003 order has long since run. For each of these reasons, Plaintiff's complaint must be dismissed as frivolous, pursuant to Pa. R.Civ. P. No. 240(j).

(Trial court's November 17, 2010 order.)

Watson then filed this appeal³ arguing that she was not given a fair trial by Judge Neifield because the judge humiliated her when the judge stated that the "disposition of the case would be held under advisement;" Judge Neifield had her thrown out into the street; and Watson had been trying to reach Judge Neifield for eight years, and Judge Neifield "was taking orders from a SEVENTH GRADE DROP-OUT." (Watson's brief at 9.) She also alleged Judge Neifield was racist.

Essentially, Watson makes no arguments in her brief, but only makes bald allegations and unsupported statements as to why she was unhappy with the disposition of her hearing before Judge Neifield. She does not contend that her request to proceed *in forma pauperis* was improperly denied. In addition to the

³ Our scope of review of the trial court's denial of an *in forma pauperis* application and dismissal of a complaint as frivolous pursuant to Pa. R.C.P. No. 240(j) is limited to determining whether constitutional rights were violated or whether the trial court abused its discretion or committed an error of law. *Thomas v. Holtz*, 707 A.2d 569, 570 n.2 (Pa. Cmwlth. 1998).

reasoning set forth in the trial court's order, which alone is sufficient for this Court to affirm its order, Watson's brief fails to comply with even the minimal standards which could permit appellate review because there are no issues properly preserved before this Court. Consequently, she has waived any arguments on appeal. *See* Pa. R.A.P. 302.

Accordingly, the order of the trial court is affirmed.

