

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Dorothy A. Watson, :
Appellant :
 :
v. : No. 2749 C.D. 2010
 : Submitted: August 12, 2011
Police Commissioner Charles Ramsey:

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 lacking brief, we affirm the order of the trial court.

Watson is elderly and somewhat disabled and was evicted for violations of the Philadelphia Housing Authority (PHA) Code in 2003. Her brief alleges that she had problems with employees of the PHA who came to her home while she still lived there to perform inspections.¹ She further had problems with the Philadelphia Police Department when she tried to get help with the PHA

¹ In fact, the original record reveals that PHA inspectors who entered Watson’s home were assaulted by her, and they filed reports to that effect.

employees. She also alleges that workmen who came to her home to perform repairs allegedly made attempts on her life. According to the complaint filed by Watson against Police Commissioner Ramsey, the only party against whom Watson filed a complaint, sometime in April 2003, three Philadelphia Housing Authority employees visited her property in response to notice of code violations and while they were there, they trespassed on her property and injured her and her property. She also claimed, among other things, that the employees filed false reports against her with the Philadelphia Police Department. Police Officer Neumann made out the report and placed it on the computer. The only mention of Commissioner Ramsey was on the caption of the complaint's cover sheet.

The trial court denied her request to proceed *in forma pauperis* 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. Defendants are Philadelphia Police Commissioner Charles Ramsay and Lucious Neumann, a Philadelphia Police employee. Although Plaintiff's Complaint is, for the most part, an incomprehensible patchwork of other documents and a rambling narrative, almost entirely

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.

unrelated to these Defendants, it appears that the basis of the claim against Defendant Neumann is that he accepted a police report and entered the information in the Police Computer system. There are no allegations against Defendant Ramsay. Indeed, the Court takes judicial notice of the fact that Ramsay was not with the Philadelphia Police Department in 2003. Plaintiff's Complaint fails to state any legally sufficient claims against either defendant. Moreover, 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 stating under "Facts" that Officer Lucious Neumann violated her constitutional rights because he signed two false criminal complaints; members of the PHA have been retaliating against her for years because of complaints she made to Housing and Urban Development; she was not permitted to defend herself; and every time she calls the Philadelphia Police Department, she gets the run-a-round because everyone is protecting Police Officer Neumann.

Essentially, Watson makes no arguments in her brief, but only makes bald allegations and unsupported statements presumably as to why her complaint should not have been dismissed. She does not contend that her request to proceed

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).

in forma pauperis was improperly denied. In addition to the reasoning set forth in the trial court's order, which alone is sufficient 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.

