

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK-ALONZO WILLIAMS,	:	
	:	
Plaintiff	:	
	:	No. 1:17-CV-00079
vs.	:	
	:	(Judge Rambo)
JOHN WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pro se Plaintiff Mark-Alonzo Williams is currently confined at State Correctional Institution Forest, Marienville, Pennsylvania (“SCI-Forest”). The case, raising claims pursuant to 42 U.S.C. § 1983, is proceeding on the basis of an amended complaint filed on January 3, 2017. (Doc. No. 7.) Plaintiff names as Defendants several employees of the Pennsylvania Department of Corrections (“DOC”), and alleges, inter alia, that while confined at SCI-Dallas, the Defendants failed to protect him from an assault in violation of his rights under the Eighth Amendment.

On May 19, 2017, Defendants filed a motion to dismiss for failure to state a claim (Doc. No. 23) and filed a brief in support. (Doc. No. 28.) Plaintiff has not

yet filed a brief in opposition to the motion to dismiss. On June 30, 2017, Plaintiff filed a motion for preliminary injunction and temporary restraining order requesting that this Court order Plaintiff be released from the special management unit (“SMU”) and placed back into general population. (Doc. No. 29). By Memorandum and Order dated July 18, 2017 (Doc Nos. 30, 31), this Court denied Plaintiff’s motion.

Plaintiff has subsequently filed five additional motions. Four of those motions were filed on July 20, 2018. The first motion is a request that the Court prove that it knows he has filed an injunction (Doc. No. 34, “motion requesting proof”); the second is a motion to allow him access to his boxes of legal materials so that he can appropriately meet filing deadlines in his lawsuit (Doc. No. 35, “motion for order”); the third motion, entitled miscellaneous facts and information, again requests that he be released from SMU and informs the Court that his legal materials were seized in an attempt to block his access to this Court (Doc. No. 36, “motion for miscellaneous facts”); the fourth motion appears to be another motion for a preliminary injunction and to release Plaintiff from SMU (Doc. No. 37, “motion for release from SMU”); and the fifth pending motion is another request that he be released from SMU. (Doc. No. 38.)

The Court will deny Plaintiff’s “motion requesting proof” (Doc. No. 34), as moot, given that the Memorandum and Order of July 19, 2017, has been docketed

and a copy of the same has not been returned as undeliverable. Plaintiff's motion for miscellaneous facts and two motions for release from SMU (Doc. Nos. 36, 37, and 38), wherein Plaintiff appears to requests a preliminary injunction to be released from SMU will also be denied for the same reasons set forth in this Court's July 18, 2017, Memorandum and Order (Doc. Nos. 32, 33.) Finally, in Plaintiff's "motion for order" (Doc. No. 35), he asserts that his legal materials have been confiscated and he is not permitted access to them. (Id.) This assertion was set forth in Plaintiff's previous motion for preliminary injunction (Doc. No. 29), which Defendants, in their brief in opposition (Doc. No. 30), denied that they seized his property and papers. (Id. at 4.) Defendants have not responded to this current motion. Accordingly, the Court will grant Plaintiff's "motion for order" (Doc. No. 35) to the extent that Plaintiff is not being given access to his legal materials which may have impeded his ability to file a brief in opposition to Defendants' motion to dismiss. The Court will further Order that Plaintiff file a brief in opposition to Defendants' motion to dismiss (Doc. No. 23) within thirty (30) days of the date of this Order.

AND, SO, this 15th day of August, 2017, upon consideration of Plaintiff's "motion requesting proof" (Doc. No. 34), "motion for order" (Doc. No. 35), "motion for miscellaneous facts" (Doc. No. 36), motions for "release from SMU"

(Doc. Nos. 37, 38), and in accordance with the Background of this Order, **IT IS**

ORDERED THAT:

1. Plaintiff's "motion requesting proof" (Doc. No. 34) is **DENIED as moot**;
2. Plaintiff's "motion for miscellaneous facts" (Doc. No. 36) and motions for "release from SMU" (Doc. Nos. 37, 38) are **DENIED** for the same reasons set forth in this Court's July 18, 2017 Memorandum and Order (Doc. Nos. 32, 33);
3. Plaintiff's "motion for order" (Doc. No. 35) is **GRANTED** to the extent that Plaintiff is not being given access to his legal materials which may have impeded his ability to file a brief in opposition to Defendants' motion to dismiss; and
4. Plaintiff shall file a brief in opposition to Defendants' motion to dismiss (Doc. No. 23) within thirty (30) days of the date of this Order.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge