

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COREY BRACEY,)
Plaintiff,)
)
vs.) Civil Action No. 11-217E
) Judge Cathy Bissoon/
) Magistrate Judge Maureen P. Kelly
SECRETARY JEFFREY BEARD;)
ANDREA MEINTEL; DIRECTOR)
BUREAU OF TREATMENT SERVICES;)
RICHARD ELLERS, DIRECTOR OF)
BUREAU OF HEALTHCARE; J. BARRY)
JOHNSON DEPUTY SECRETARY FOR)
WESTERN REGION; BRIAN COLEMAN)
SUPERINTENDENT; DEPUTY)
SUPERINTENDENT FACILITY)
MANAGEMENT GATES; DEPUTY)
SUPERINTENDENT CENTRALIZED)
SERVICES ARNELL; MAJOR ZAKEN;)
CARL WALKER, UNIT MANAGER;)
COUNSELOR BUSTASS; CAPTAIN)
BERRIER; DEPUTY SUPERINTENDENT)
CENTRALIZED SERVICES BRYANT;)
DEPUTY SUPERINTENDENT FACILITY)
HALL; CORRECTIONS)
CLASSIFICATION PROGRAM WOODS;)
DEPUTY SUPERINTENDENT FACILITY)
MANAGEMENT HANNAH;)
CORRECTIONS CLASSIFICATION)
PROGRAM MANAGER BISER; DR.)
SAVAADRA; DR. FONDER; MHM)
CORRECTIONAL SERVICES, INC.;)
DR. GALLUCCI; WILLIAM LEGGETT)
CAPTAIN; DSFM WHIETSEL;)
SHIRLEY MOORE-SMEAL;)
KATHLEEN GNALL DEPUTY) Re: ECF No. 128
SECRETARY FOR RE-ENTRY AND)
SPECIALIZED TREATMENT SERVICES,)
Defendants.)

ORDER

Presently before the Court is Plaintiff's Motion for Expeditious Relief of Tampering with U.S. Mail of Plaintiff ("the Motion"), which was filed on March 13, 2014. ECF No. 128. On

March 27, 2014, Defendants responded to the Motion as ordered by the Court. ECF No. 129.

Plaintiff complains in the Motion that legal mail sent to him by the Court was opened outside of his presence and asks the Court to contact the Superintendent to verify that the documents were actually sent by the Court so that the grievance Plaintiff filed regarding the matter can be properly investigated.

The opening of prison mail outside the prisoner's presence on a single occasion, however, does not rise to the level of a constitutional violation, Schreane v. Holt, 2012 WL 1563887, at *2 (3d Cir. May 4, 2012). Moreover, inmates do not have a constitutional right to prison grievance procedures in the first instance and do not have a liberty interest protected by the due process clause in the grievance procedures. Fears v. Beard, 532 F. App'x 78, 81 (3d Cir. 2013). In addition, Plaintiff acknowledges that he, in fact, received the documents that were sent by the Court. Under these circumstances, Plaintiff's Motion is properly denied. The following Order is entered:

AND NOW, this 28th day of March, 2014, upon consideration of Plaintiff's Motion for Expeditious Relief of Tampering with U.S. Mail of Plaintiff, ECF No. 128, and Defendants' Response thereto, ECF No. 129, IT IS HEREBY ORDERED that Plaintiff's Motion is DENIED.

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: Corey Bracey
GS-4754
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

All Counsel of Record Via CM-ECF