

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

PAUL H. ELINE

Appellant

v.

CORRECTIONS OFFICER STEELE

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 490 MDA 2012

Appeal from the Order February 16, 2012
In the Court of Common Pleas of Northumberland County
Civil Division at No(s): CV-12-237

BEFORE: PANELLA, J., OTT, J., and STRASSBURGER, J.*

MEMORANDUM BY PANELLA, J.

Filed: January 8, 2013

Appellant, Paul H. Eline, appeals from the order entered by the Honorable Charles H. Saylor, Court of Common Pleas of Northumberland County. After careful review, we affirm.

Eline, an inmate serving a sentence at SCI-Coal Township, filed a civil complaint against "Corrections Officer Steele"¹ alleging undefined acts that caused Eline to suffer "unwarranted stress" and requiring some form of medical treatment. At the same time, Eline filed a motion for leave to proceed *in forma pauperis*. By order dated February 16, 2012, the trial court denied Eline *in forma pauperis* status, concluding that Eline's complaint

* Retired Senior Judge assigned to the Superior Court.

¹ Nothing in the certified record or in the briefs of either party identifies Officer Steele's full name. The Office of Chief Counsel, Department of Corrections, submitted an Appellee's brief on behalf of Officer Steele.

was “without sufficient factual detail to support any valid cause of action.”

This timely appeal followed.²

On appeal, Eline contends that the trial court erred in concluding that his complaint did not set forth a valid cause of action.

Our review of a decision dismissing an action pursuant to Pa.R.C.P. 240(j) is limited to a determination of whether the plaintiff’s constitutional rights have been violated and whether the trial court abused its discretion or committed an error of law. Rule 240 provides for a procedure by which a person who is without the financial resources to pay the costs of litigation may proceed IFP. The obligation of the trial court when a party seeks to proceed under Rule 240 is as follows:

(j) 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.

A frivolous action or proceeding has been defined as one that lacks an arguable basis either in law or in fact. Under Rule 240(j), an action is frivolous if, on its face, it does not set forth a valid cause of action.

Ocasio v. Prison Health Services, 979 A.2d 352, 354 (Pa. Super. 2009)

(quotation marks and citations omitted).

² As the trial court’s order denying *in forma pauperis* status “has the practical consequence of effectively putting appellant out of court, the order is a final order from which appellant may appeal.” ***Thompson v. Garden Court, Inc.***, 419 A.2d 1238, 1240 n.3 (Pa. Super. 1980).

As noted previously, the trial court concluded that Eline's complaint was insufficiently specific to support a cause of action under Pennsylvania law. A complaint must apprise a defendant of the claims being asserted and the essential facts to support them. ***Grossman v. Barke***, 868 A.2d 561, 568 (Pa. Super. 2005), ***appeal denied***, 585 Pa. 697, 889 A.2d 89 (2005). The purpose behind this rule is to enable the parties to a case to be able to ascertain the claims and defenses asserted using their own knowledge. ***See id.*** "This purpose would be thwarted if courts, rather than the parties, were burdened with the responsibility of deciphering the causes of action from a pleading of facts which obscurely support the claim." ***Id.*** Thus, "the material facts upon which a cause of action is premised [must] be pled with sufficient specificity so as to set forth the prima facie elements [of the cause of action.]" ***Feingold v. Hill***, 521 A.2d 33, 38 (Pa. Super. 1987) (citation omitted).

A review of Eline's complaint reveals that it completely fails this standard. For example, Eline alleges in paragraph 10 of the complaint that Officer Steele "inflicted unwarranted stress upon [Eline,] causing [Eline] to collapse..." Complaint, filed 2/7/2012, at ¶ 10. In other paragraphs, Eline alleges that Officer Steele "inflict[ed] retaliatory acts upon [Eline.]" ***See, eg., Id.***, at ¶ 12. Even read as a whole, the complaint does not provide any way to determine exactly what conduct forms the basis of Eline's claims. As such, we conclude that the trial court did not err in determining that Eline's complaint lacked sufficient specificity to support a valid cause of action.

Therefore, we cannot conclude that the trial court erred in denying Eline *in forma pauperis* status.

Order affirmed. Jurisdiction relinquished.

Strassburger, J., files a dissenting memorandum.