

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JAMAL BENNETT, : NO. 05-01,132
Plaintiff :
 :
vs. :
 : CIVIL ACTION - LAW
D. DESMOND, Superintendent for :
Lycoming County Prison, :
Defendant :

OPINION IN SUPPORT OF ORDER OF JULY 8, 2005,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Plaintiff appeals this Court's Order of July 8, 2005, which dismissed his Complaint in Mandamus for failure to failure to comply with Pennsylvania Rule of Civil Procedure 1095. That rule requires the plaintiff to set forth in the Complaint in Mandamus, inter alia, the act or duty the defendant is required to perform, and the want of any other adequate remedy at law. Plaintiff did not set forth a mandatory duty but instead asks this Court to declare illegal certain actions taken by Defendant in responding to Plaintiff's concerns while an inmate at the County prison, and to also order Defendant to refrain from certain actions in the event Plaintiff should again become an inmate there (he is currently incarcerated in a State Correctional facility). Further, it appears from the Complaint that Plaintiff did not exhaust his remedies through the grievance procedure, and thus may have an adequate remedy at law. For these reasons, Plaintiff's Complaint in Mandamus was dismissed.

Dated: August 3, 2005

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: Jamal Bennett, ED9008, 175 Progress Drive, Waynesburg, PA 15370
David Desmond, Warden, Lycoming County Prison
Gary L. Weber, Esq.