

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JAMAL BENNETT : No. 05-02348  
Appellant :  
vs. :  
 :  
 :  
 :  
SHERIFF BREWER, :  
 :  
 : 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN  
COMPLIANCE WITH RULE 1925(a) OF  
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this Court's Order entered January 24, 2006. In that Order, the Court denied Appellant's request to proceed in forma pauperis and dismissed his complaint/motion for an injunction pursuant to Rule 240(j) of the Rules of Civil Procedure because the action appeared patently frivolous. The caption and the body of the complaint listed Sheriff Brewer as the defendant, but the allegations of the complaint related to actions of prison staff and the grievance procedure in the Lycoming County prison. The order was entered without prejudice to Appellant filing an amended complaint.

On February 6, 2006, Appellant's notice of appeal was docketed. The Court, however, did not receive a copy of the notice of appeal and did not realize an appeal had been filed until it received a copy of the appeal docket sheet from the Superior Court on March 17, 2006. In an order docketed March 20, 2006, the Court directed Appellant to file a concise statement of matters complained of on appeal within fourteen (14) days. Appellant has not filed such a statement. Therefore, any issues Appellant wanted to raise on appeal are waived. Commonwealth v. Castillo, 888 A.2d 775 (Pa. 2005)(failure to **timely** file a

statement of matters on appeal results in waiver); Commonwealth v. Schofield, 888 A.2d 771  
(Pa. 2005)(failure to file statement of record in the lower court results in waiver).

DATE: \_\_\_\_\_

By The Court,

---

Kenneth D. Brown, P. J.

cc: Jamal Bennett, #ED9008  
SCI-Greene, 175 Progress Drive, Waynesburg PA 15370  
Sheriff Charles Brewer  
Gary Weber, Esquire (Lycoming Reporter)  
Superior Court (original & 1)