

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

FREDERICK RAY III : NO. 03-873
Plaintiff, :
 :
v. :
 :
CELL EXTRACTION UNIT 7, *et al.* :
Defendants. :
 :

FREDERICK T. RAY III : NO. 03-1050
Plaintiff, :
 :
v. :
 :
BROOKS, *et al.* :
Defendants. :
 :

FREDERICK T. RAY III : NO. 03-3093
Plaintiff, :
 :
v. :
 :
WALKER, *et al.* :
Defendants. :
 :

MEMORANDUM AND ORDER

Fullam, Sr. J.

November , 2004

Defendants in these consolidated cases have moved for summary judgment. Despite being given an additional month to respond, Plaintiff has not opposed the motions. I have considered the merits of the motions, which I will grant.

Although Plaintiff alleged a cause of action in his complaints, mere allegations are insufficient to survive a motion

for summary judgment. Defendants have produced prison records and Plaintiff's deposition, which establish that summary judgment is warranted in all three cases.

Ray v. Cell Extraction Unit No. 7, No. 03-873

Plaintiff alleges that Defendants violated his rights in removing him from his cell and placing him in isolation after a disturbance. There is no evidence, however, that Defendants failed to follow proper procedures in effecting the removal, or that conditions in isolation violate Eighth Amendment standards. Summary judgment will be granted on this complaint.

Ray v. Brooks, No. 03-1050

Plaintiff again alleges that Defendants used improper force in removing him from his cell and placing him in isolation, and in addition alleged that his rights were violated in connection with a disciplinary hearing. Again, there is no evidence that Defendants acted improperly in transferring Plaintiff to isolation, and Plaintiff was afforded a disciplinary hearing, the results of which he appealed. Summary judgment will be granted on this complaint.

Ray v. Walker, No. 03-3093

This complaint centers on Plaintiff being cited for misconduct, his disciplinary hearings, and his transfer to isolation cells. The statement of claim Plaintiff submitted to the court alleged that he was denied access to religion and the courts. However, there is no evidence of the alleged denials of access. With regard to the disciplinary actions, the evidence produced by Defendants indicates that Plaintiff passed toilet paper(considered contraband in isolation) to another inmate, had a small screwdriver, which is also contraband, and soaked his legal papers in the toilet and threw them at the camera in the isolation cell. In his deposition, Plaintiff acknowledged having the screwdriver, although he contended that he was turning it in. Plaintiff did not admit to damaging the documents. Without any contrary evidence in the record, however, there is no basis for concluding that Plaintiff's rights were violated in connection with the disciplinary proceedings. Summary judgment will be granted in this action as well.

Three orders, one for each action, follow.

