

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

FLORENCE ELIZABETH MASON : CIVIL ACTION  
and WALTER CARL PHILLIPS :  
(Petitioners) :  
 :  
 :  
 v. :  
 :  
 :  
 NATIONSBANC MORTGAGE :  
CORPORATION, et al. :  
(Respondents) : NO. 05-04253-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

September 8, 2005

In this action, plaintiffs assert that they are entitled to relief via a writ of habeas corpus because, after their mortgage was foreclosed and their property purchased at sheriff's sale by the lending institution, the Court of Common Pleas of Montgomery County entered judgment against them in an action of ejectment, and issued a writ of possession. That decision has been appealed to the Superior Court of Pennsylvania (the pertinent facts are summarized in the April 1, 2005 decision of the trial judge in that case).

Obviously, this court has no jurisdiction to review decisions of the state courts, or to interfere in their proceedings. The motion for leave to proceed *in forma pauperis* will therefore be denied, since plaintiffs' arguments are legally frivolous.

Apparently as the result of confusion, the office of the Montgomery County Prothonotary, under date of August 9, 2005, forwarded the entire record of the Montgomery County proceedings to this court, stating:

"By order of the court, dated April 11, 2005, the above matter has been transferred to the United States District Court for Eastern District of Pennsylvania. I am accordingly sending you herewith certified copies of docket entries and all recorded papers..."

The confusion may be attributable to some of the papers filed by plaintiffs, in which reference is made to the "Superior Court of Eastern District of Pennsylvania." In any event, it is plain that there has never been any basis for removal of the Montgomery County case to this court. Accordingly, the Clerk will be directed to return the state court record to the Montgomery County Prothonotary's Office, together with a copy of this order. Presumably, the record either has been, or will be, lodged with the Superior Court of Pennsylvania, in connection with the appeal now pending in that court.

An Order follows.

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NATIONSBANC MORTGAGE	:	
CORPORATION, et al.	:	
(Respondents)	:	NO. 05-04253-JF

ORDER

AND NOW, this 8th day of September 2005, IT IS ORDERED:

1. Plaintiffs' (Petitioners') motion for leave to proceed *in forma pauperis* is DENIED.

2. The Clerk is directed to return the state court record (Civil Division, Montgomery County, Term No. 04-11387) to the Prothonotary of Montgomery County.

3. The Clerk is directed to close the file.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.