

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

ARNELL RANSOM : CIVIL ACTION
 :
 v. :
 :
 WARDEN AT CURRAN FROMHOLD, :
 et al. : NO. 06-cv-02318-JF

MEMORANDUM

Fullam, Sr. J.

April 14, 2011

Plaintiff, a prison inmate, has brought this action to recover damages for alleged violations of his constitutional and statutory rights. He charges the defendants with depriving him of serious medical needs, studied neglect of his medical needs, etc., etc., stemming from a severe asthma attack which he experienced on or about May 27, 2005.

Initially, plaintiff proceeded *pro se*, and filed a complaint and two later amended complaints. Counsel was appointed to represent the plaintiff, and counsel has filed a third amended complaint, which is the operative pleading.

It is interesting to note that, in response to each of the complaints filed on behalf of the plaintiff, defendants' counsel has seen fit to file answers containing no less than 23 alleged "affirmative defenses" which, at best, constitute statements of legal theories on which the defendants believe they should prevail in this action. None of them constitute actual affirmative defenses.

The case is now before the Court for disposition of defendants' Motions for Summary Judgment. I have carefully reviewed all of the lengthy and enthusiastic documents which have been filed, pro and con, on the summary judgment issue. My review of these documents yields the quite obvious conclusion that there are significant disputed issues of material fact, and that there is no conceivable basis for entering summary judgment. The motions for summary will be denied.

An Order follows.

BY THE COURT:

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

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ORDER

AND NOW, this 14th day of April 2011, upon
consideration of defendants' Motions for Summary Judgment, and
plaintiff's Response, IT IS ORDERED:

That the Motions for Summary Judgment (Dkt. Nos. 60 and
67) are DENIED.

BY THE COURT:

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