

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:21-cv-00172-SPB-RAL**

VANTASSEL v. CLARK et al
Assigned to: Judge Susan Paradise Baxter
Referred to: Magistrate Judge Richard A.
Lanzillo
Case in other court: USCA Third Circuit,
23-01292
Cause: 28:2254 Petition for Writ of Habeas
Corpus (State)

Date Filed: 07/06/2021
Date Terminated: 01/19/2023
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

**JEREMIAH LYLE
VANTASSEL**

represented by **JEREMIAH LYLE
VANTASSEL**
NL 0329
SCI ALBION
10745 ROUTE 18
ALBION, PA 16475
PRO SE

V.

Respondent

MICHAEL CLARK

Respondent

**ATTORNEY GENERAL JOSH
SHAPIRO**

Respondent

**DISTRICT ATTORNEY OF
ERIE COUNTY**

represented by **Gregory M. Reichart**
Erie County (PA) Office of the
District Attorney
PA
140 West Sixth Street

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 Erie, PA 16501
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/06/2021	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$5,), filed by JEREMIAH LYLE VANTASSEL. (jd) (Entered: 07/07/2021)
07/06/2021	<u>2</u>	BRIEF in Support of <u>1</u> Petition for Writ of Habeas Corpus filed by JEREMIAH LYLE VANTASSEL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (jd) (Entered: 07/07/2021)
07/07/2021	<u>3</u>	Filing fee: \$5.00, receipt number 14668004940 (jd) (Entered: 07/08/2021)
07/12/2021	<u>4</u>	ORDER DIRECTING that the United States Marshal shall make service of this order, together with a copy of the petition, upon the respondents by certified mail, costs to be advanced by the United States. Within 21 days of service of this order, respondent and the District Attorney shall respond to the allegations of the petition for Writ of Habeas Corpus. The District Attorney shall furnish this court with the state court records. The parties are allowed 14 days from this date to appeal this order to a District Judge pursuant to Local Rule 72(C)(2). Signed by Magistrate Judge Richard A. Lanzillo on 7/12/2021. (dm) (Entered: 07/12/2021)
07/12/2021		Service copies mailed to US Marshal in Pittsburgh. (dm) (Entered: 07/12/2021)
08/16/2021	<u>5</u>	Return of Service Returned Executed by JEREMIAH LYLE VANTASSEL. MICHAEL CLARK served on 7/29/2021, answer due 8/19/2021; DISTRICT ATTORNEY OF ERIE COUNTY served on 7/30/2021, answer due 8/20/2021; JOSH SHAPIRO served on 7/28/2021, answer due 8/18/2021. (jv) (Entered: 08/16/2021)

08/18/2021	<u>6</u>	NOTICE of Appearance by Gregory M. Reichart on behalf of DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 08/18/2021)
08/18/2021	<u>7</u>	First MOTION for Extension of Time to File Answer by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 08/18/2021)
08/18/2021	<u>8</u>	Proposed Order <i>To Extend Time To File an Answer</i> by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 08/18/2021)
08/19/2021	9	TEXT ORDER: In accordance with the case management system in place in this district, this case has been assigned to the undersigned for all pretrial matters. Therefore, it is ORDERED that on or before 9/9/2021 , the parties shall complete an election form either consenting to jurisdiction by the Magistrate Judge or electing to have a District Judge assigned to the case, and shall file the form with the Clerk's Office. A copy of the form can be found on this Court's website at: http://www.pawd.uscourts.gov/sites/pawd/files/Consent-to-Mag.pdf . A copy will also be provided to petitioner with this Order. Consent to Jurisdiction by Mag. Judge or electing to have a District Judge assigned due by 9/9/2021. Signed by Magistrate Judge Richard A. Lanzillo on 8/19/2021. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dm) (Entered: 08/19/2021)
08/19/2021	<u>10</u>	ORDER granting <u>7</u> Motion for Extension of Time to file Response. DISTRICT ATTORNEY OF ERIE COUNTY response due 9/20/2021. Signed by Magistrate Judge Richard A. Lanzillo on 8/19/2021. (dm) (Entered: 08/19/2021)
09/02/2021	<u>11</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge OR District Judge Option, by JEREMIAH LYLE VANTASSEL. (Attachments: # <u>1</u> Envelope) (sdp) (Entered: 09/02/2021)
09/03/2021	<u>12</u>	CONSENT to Trial/Jurisdiction by US Magistrate Judge OR District Judge Option, by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 09/03/2021)
09/07/2021		Case Reassigned to Judge Susan Paradise Baxter, presiding, and Magistrate Judge Richard A. Lanzillo, referral. (dm) (Entered: 09/07/2021)

09/17/2021	<u>13</u>	Second MOTION for Extension of Time to File Answer by DISTRICT ATTORNEY OF ERIE COUNTY. Motion(s) referred to Richard A. Lanzillo. (Reichart, Gregory) (Entered: 09/17/2021)
09/17/2021	<u>14</u>	Proposed Order <i>Second Extension of Time</i> by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 09/17/2021)
09/21/2021	<u>15</u>	ORDER granting <u>13</u> Respondents' Motion for Extension of Time to Answer. Answer now due 10/20/21. Signed by Magistrate Judge Richard A. Lanzillo on 9/21/21. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jdg) (Entered: 09/21/2021)
12/20/2021	<u>16</u>	RESPONSE to <u>1</u> Petition for Writ of Habeas Corpus, filed by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) Modified text on 12/21/2021 to add document linkage. (kss) (Entered: 12/20/2021)
12/20/2021	<u>17</u>	MOTION for Summary Judgment by JEREMIAH LYLE VANTASSEL. Motion(s) referred to Richard A. Lanzillo. (Attachments: # <u>1</u> Envelope) (elt) (Entered: 12/21/2021)
12/29/2021	<u>18</u>	ORDER Response/Briefing Schedule re <u>17</u> Motion for Summary Judgment. Respondents' Responses due by 1/18/2022. Signed by Magistrate Judge Richard A. Lanzillo on 12/29/2021. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dm) (Entered: 12/29/2021)
01/18/2022	<u>19</u>	RESPONSE to Motion re <u>17</u> MOTION for Summary Judgment filed by DISTRICT ATTORNEY OF ERIE COUNTY. (Reichart, Gregory) (Entered: 01/18/2022)
02/09/2022	<u>20</u>	RESPONSE IN OPPOSITION to <u>16</u> Response to Habeas Petition, filed by JEREMIAH LYLE VANTASSEL. (no signature on document) (Attachments: # <u>1</u> Envelope) (sdp) (Entered: 02/09/2022)
02/25/2022	<u>21</u>	CORRECTIVE ENTRY re <u>20</u> Response in Opposition (signed) (Attachments: # <u>1</u> Envelope) (sdp) (Entered: 02/28/2022)
03/09/2022	<u>22</u>	ORDER denying <u>17</u> Petitioner's Motion for Summary Judgment. A motion for summary judgment is unnecessary in a habeas proceeding. The Rules Governing Section 2254

Cases in the United States District Courts provide for an application for writ of habeas corpus, an answer from the Respondents, and a reply from the Petitioner. The Rules do not provide for the filing of a summary judgment motion because such a motion, even if properly supported, simply duplicates the request for relief stated in the original habeas petition. Because any claims for relief raised in Petitioner's motion for summary judgment will be fully addressed upon consideration of his petition, Petitioner's motion for summary judgment will be dismissed as unnecessary and duplicative. Signed by Magistrate Judge Richard A. Lanzillo on 3/9/22. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jdg) (Entered: 03/09/2022)

- 06/30/2022 23 STATE COURT RECORDS received from Court of Common Pleas of Erie County and forwarded to Mag. Judge Richard Lanzillo. Case Number(s): 2154-2016.. (sdp) (Entered: 06/30/2022)
- 06/30/2022 24 SUPPLEMENT by DISTRICT ATTORNEY OF ERIE COUNTY. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16 Exhibit, # 17 Exhibit, # 18 Exhibit, # 19 Exhibit, # 20 Exhibit, # 21 Exhibit, # 22 Exhibit, # 23 Exhibit, # 24 Exhibit, # 25 Exhibit, # 26 Exhibit) (Reichart, Gregory) (Entered: 06/30/2022)
- 10/27/2022 25 ORDER TO SHOW CAUSE. Show Cause Response due by 12/2/2022. Signed by Magistrate Judge Richard A. Lanzillo on 10/27/2022. (dlh) (Entered: 10/27/2022)
- 11/28/2022 26 RESPONSE TO ORDER TO SHOW CAUSE re 25 Order to Show Cause filed by JEREMIAH LYLE VANTASSEL. (Attachments: # 1 Envelope) (sdp) (Entered: 11/28/2022)
- 12/02/2022 27 RESPONSE TO ORDER TO SHOW CAUSE re 25 Order to Show Cause filed by JEREMIAH LYLE VANTASSEL. (Attachments: # 1 Exhibit, # 2 Envelope) (sdp) (Entered: 12/05/2022)
- 12/13/2022 28 RESPONSE TO 25 ORDER TO SHOW CAUSE filed by JEREMIAH LYLE VANTASSEL. (Attachments: # 1 Exhibit, # 2 Envelope) (av) (Entered: 12/13/2022)

12/22/2022	<u>29</u>	REPORT AND RECOMMENDATION re <u>1</u> Petition for Writ of Habeas Corpus filed by JEREMIAH LYLE VANTASSEL. It is respectfully recommended that the petition for writ of habeas corpus be dismissed as untimely and that no certificate of appealability issue. Objections to R&R due by 1/5/2023; Objections to R&R for Unregistered ECF Users due by 1/9/2023. Signed by Magistrate Judge Richard A. Lanzillo on 12/22/2022. (dlh) (Entered: 12/22/2022)
01/05/2023	<u>30</u>	MOTION for Extension of Time to File objections by JEREMIAH LYLE VANTASSEL. Motion(s) referred to Richard A. Lanzillo. (Attachments: # <u>1</u> Envelope) (sdp) (Entered: 01/06/2023)
01/06/2023	<u>31</u>	OBJECTIONS to <u>29</u> Report and Recommendation by JEREMIAH LYLE VANTASSEL. (Attachments: # <u>1</u> Envelope) (sdp) (Entered: 01/09/2023)
01/09/2023	<u>32</u>	ORDER denying as moot <u>30</u> Motion for Extension of Time to File to file objections to Report and Recommendation as objections have since been filed by Petitioner. Signed by Judge Susan Paradise Baxter on 01/09/2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (fcf) (Entered: 01/09/2023)
01/19/2023	<u>33</u>	MEMORANDUM ORDER; AND NOW, this 19th day of January, 2023, IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and that a Certificate of Appealability is DENIED. The report and recommendation of Magistrate Judge Lanzillo, dated December 22, 2022, ECF No. <u>29</u> , is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED." Signed by Judge Susan Paradise Baxter on 1/19/2023. (snc) (Entered: 01/19/2023)
02/10/2023	<u>34</u>	NOTICE OF APPEAL as to <u>33</u> Order on Report and Recommendations, by JEREMIAH LYLE VANTASSEL. Motion for IFP n/a. Certificate of Appealability denied. Court Reporter(s): n/a. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will

NOT be mailed to the parties. The form is available on the Court's internet site. (Attachments: # 1 Envelope) (sdp) (Entered: 02/13/2023)

- 02/13/2023 35 LETTER from Clerk to JEREMIAH LYLE VANTASSEL re 34 Notice of Appeal,, to pay appeal filing fee or submit a motion for leave to appeal in forma pauperis. (sdp) (Entered: 02/13/2023)
- 02/14/2023 36 USCA Case Number 23-1292 for 34 Notice of Appeal,, filed by JEREMIAH LYLE VANTASSEL. USCA Case Manager Cara (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF)(cdav) (Entered: 02/14/2023)
- 02/15/2023 37 NOTICE OF APPEAL as to 33 Order on Report and Recommendations,, by JEREMIAH LYLE VANTASSEL. Motion for IFP n/a. Certificate of Appealability denied. Court Reporter(s): n/a. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Attachments: # 1 Envelope) (sdp) (Entered: 02/16/2023)
- 02/16/2023 NOTIFICATION TO THIRD CIRCUIT COURT OF APPEALS re 37 Notice of Appeal,, This appears to be be a duplicate of 34 (sdp) (Entered: 02/16/2023)
- 02/21/2023 38 MOTION for Disclosure by JEREMIAH LYLE VANTASSEL. Motion(s) referred to Richard A. Lanzillo. (Attachments: # 1 Envelope) (sdp) (Entered: 02/22/2023)
- 02/27/2023 39 USCA Appeal Fees received \$ 505 receipt number 10000146 re 34 Notice of Appeal,, filed by JEREMIAH LYLE VANTASSEL (sdp) (Entered: 02/28/2023)
- 03/09/2023 STATE COURT RECORDS received from Third Circuit Court and placed in Clerk's Office Case Number(s): 2154-2016.. (elt) (Entered: 03/09/2023)
- 05/09/2023 40 CERTIFIED ORDER of USCA in lieu of formal MANDATE as to 34 Notice of Appeal, filed by JEREMIAH LYLE VANTASSEL. Certificate of Appealability denied. (cdav) (Entered: 05/09/2023)

05/31/2023 41 ORDER denying 38 Motion for Disclosure. Signed by Judge Susan Paradise Baxter on 05/31/2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (fcf) (Entered: 05/31/2023)