

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

JEREMIAH LYLE VAN TASSEL,	)	Case No. 1:21-cv-172 Erie
Petitioner	)	
v.	)	RICHARD A. LANZILLO
MICHAEL CLARK,	)	UNITED STATES MAGISTRATE JUDGE
Respondent	)	ORDER
	)	

Petitioner has filed a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, as amended by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). Petitioner is challenging the judgment of sentence imposed by the Court of Common Pleas of Erie County at CP-25-CR-2154-2016.

**IT IS HEREBY ORDERED** that the United States Marshal shall make service of this Order, together with a copy of the Petition [ECF No. 1] and Brief in Support [ECF No. 2] upon Respondents: (1) the Superintendent of SCI-Albion; (2) the District Attorney of Erie County; and (3) the Attorney General of Pennsylvania. Service shall be by certified mail. Costs to be advanced by the United States of America.

**IT IS FURTHER ORDERED** that within 21 days of service of this Order, the District Attorney shall file an Answer to the Petition on behalf of all Respondents. The Answer must comply with the requirements of Rule 5 of the Rules Governing Section 2254 Cases, Rule 2254.E of the Local Rules of the United States District Court for the Western District of Pennsylvania, the Electronic Case Filing Policies and Procedures In the United States District Court for the Western District of Pennsylvania, as well as the practices of this Court. Together, they require the following:

1. The Answer must be filed electronically in accordance with this Court's Electronic Case Filing Policies and Procedures. The Answer must address the allegations in the Petition. It is more than just a responsive pleading that simply admits or denies the allegations contained in the Petition. It must contain a discussion of the relevant procedural and factual history of all state proceedings, including the state court trial, direct appeal, and post-conviction proceedings. The Answer also should address procedural issues, such as whether Petitioner's claims are untimely under AEDPA's one-year statute of limitations, 28 U.S.C. § 2244(d), whether Petitioner's claims have been exhausted in state court, and/or whether any of Petitioner's claims have been procedurally defaulted. It must also address the merits of Petitioner's claims, and shall contain accompanying legal argument and citation to appropriate authorities. All assertions of historical or procedural facts shall be accompanied by citations to the state court records.

2. Respondents must file electronically as attachments to the Answer a certified copy of the following documents, with care taken so that all items are copied accurately, legibly, and in full:

- (a) all briefs, petitions for allowance of appeal, and petitions for writs of certiorari that Petitioner has submitted to an appellate court on direct appeal or in a PCRA proceeding relating to the judgment of sentence imposed by the Common Pleas Court in Petitioner's criminal case.
- (b) all briefs, petitions for allowance of appeal, and petitions for writs of certiorari that the Commonwealth submitted in an appellate court in any of those direct appeal or PCRA proceedings;

- (c) all opinions and dispositive orders issued by the appellate courts in those direct appeal or PCRA proceedings; and,
- (d) any portion of a transcript that Respondents consider to be relevant (this is in addition to Respondents' obligation to file a complete copy of all transcripts in accordance with the directive set forth in ¶ 3).

If any of these documents are not available at the time Respondents submit the Answer, Respondents shall notify the Court that the item is unavailable. Once the document becomes available, Respondents shall provide a supplemental filing of the document within 21 days of its availability. Respondents are under a continuing obligation to supplement this record in the event that any of the required documents are filed after the initial submission to this Court.

3. Respondents also must file with the Answer the Common Pleas Court's original file for the Petitioner's criminal case. This file must contain all of the documents filed with the Common Pleas Court, and must also contain a complete set of all of the transcripts for Petitioner's pre-trial, trial, sentencing, and PCRA proceedings, as well as all relevant documentary evidence admitted at those proceedings. This file may be submitted in the traditional manner on paper.<sup>1</sup> This Court's Clerk of Court will note on the docket that the Common Pleas Court's file has been received. This file is not part of this Court's permanent case file and will be returned to Common Pleas Court upon final disposition of this habeas case, including appeals. Alternatively, Respondents may file electronically all of the required documents. Care must be taken so that all items are photocopied and scanned accurately, legibly, and in full.

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<sup>1</sup> Respondents can either submit the original Common Pleas Court's files or a certified complete copy of it.

Respondents are under a continuing obligation to supplement the Common Pleas Court's file with copies of any documents that Petitioner files with that court after the record has been transmitted to this Court.

4. Because Petitioner is not a Filing User with a Court-issued login and password to file documents electronically, Respondents must serve Petitioner with a paper copy of any electronically filed document (except for the state court records discussed in ¶ 3) and **must attach a certificate of service to all documents it electronically files with the Court demonstrating that Petitioner has been served with that document.** Service of such paper copy must be made according to the Federal Rules of Civil Procedure and the Local Rules of Court.

Finally, **IT IS FURTHER ORDERED** that Petitioner is under a continuing obligation to notify the Court of any change of address by filing a separate document entitled Notice of Change of Address. Failure to do so may result in the dismissal of this case if the Court or Respondents are unable to serve documents because Petitioner's address of record is not current.

/s/ Richard A. Lanzillo  
RICHARD A. LANZILLO  
United States Magistrate Judge

Dated: 7/12/2021