

Break through the chain of capitalism. part 3
By Muwsa Green

In Nifas v. wetzel 2016 pa. Commonwealth unpublish 1Exis 126

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★ Rasheed Nifas Filed a Civil Complaint against the secretary of Correction John E. wetzel, the Executive Deputy secretary shirely moore smeals for imposing a requirement on his removal from the Department's Restricted Release list which he had to work without compensation for several months in the Restricted Housing unit at state Correction institution Somerset step-down Program. Prison officials unlawfully retaliated against Nifas for filing the grievances by reversing their decision to remove him from the (RRL) and continuing to house Nifas within the (RHU).

Dissent by: ANNE E. CONVEY Opinion. Convey respectfully dissent from the majority's decision reversing the Somerset County Common Pleas court's in Pennsylvania trial court October 30, 2014 sustaining the Preliminary Objections Filed by the Department of Corrections secretary John E. wetzel, and EDs shirely moore smeal and Department of Correction employees, dismissed Rasheed Nifas Complaint with Prejudice, and remanding the matter to the trial Court for Prison officials to file answer. The issue before this Court is whether Nifas sufficiently pled his retaliation claim.

ANNE E. CONVEY Held Nifas Complaint Further reflect that the Working requirement is part of the step down program for Release from (RHU) "to make sure Nifas is able to successfully reintegrate back into the General Population and Adjust positively." Complaint Ex. 4 at 2. These documents reveal the work requirement's legitimate Penological goal. Based on his allegations, Nifas was aware of this condition as of January 16, 2014. Prison Officials alleged that Nifas must do General Free labor prior to release for several months; if Nifas does not do the Free labor prior to release that Nifas cannot be released to General Population. Although Nifas claims prison official falsified documents to prevent him from being released from (RHU) because he filed a grievance, his complaint does not contain any allegations that could sustain that inference. Rather, his complaint sets forth factual averments, as well as his exhibits attached thereto, that denied this transfer for not participating in the work program, which Nifas averred was communicated to him in January 2014 cannot support a claim of retaliation. After reviewing the complaint and the exhibits attached thereto, I "conclude that the alleged facts are insufficient to meet the fourth prong of a retaliation claim because they fail to demonstrate that the retaliatory action not removing Nifas from the RRL did not further a legitimate Penological interest.

This Conclusion is especially true in light of the exhibits NiFas appended to his complaint which provide the reason NiFas name was not removed from the (RRL), i.e. his refusal to work for free as part of the prison's step down program.

Muwsa Green opinion:

My personal opinion about this above case conclude that NiFas should have worked for free to get off of long term confinement which is known as (RRL). Now if the (Doc) refused to release NiFas to population after he worked for free as part of the prison's step down program would be a retaliation claim, and especially after he just filed grievances. Pennsylvania legislative officials such as the Inspector General, Attorney General turn a blind eye on holding state correction official's accountable for falsified documents, fraudulent statement, tempering with physical evidence, official oppression and etc. However inmates can not file a civil action challenging these above claim because the case:

Enoxh v. Carter 2023 Pa. Commonwealth LEXIS 470 at 10 Held that for purposes of the tort claims Act, and willful misconduct is viewed as synonymous with an intentional tort.

Delate v. Kelle, 667 A.2d 1218, 1221 (Pa. Commonwealth, 1995)

As stated above, generally, intentional torts claims are barred by sovereign immunity. Intentional torts should be challenge on a private criminal complaint, and if its disapproval. The inmate may petition to court of common pleas for review of that decision accordance to Pennsylvania Rule Criminal Procedure 506(A)..

Force labor, slave wages, Free labor is permissible in Prison across the United States due to the 13th Amendment of U.S.

Constitution and Article II Section 26 of the Colorado Constitution. In 1829 Cherry Hill opened the issue was resolved, and officials at Cherry Hill were convinced that unrelieved solitary confinement during the first several days of an inmate's sentence would intimidate the prisoner an opinion still echoed today. When prison work is regarded as a privilege and confinement without a job as punitive. Pennsylvania Correction Institution adopted Cherry Hill Jail theories on labor. This is why solitary confinement has inmates on restricted release list working without compensation as punitive. For those that don't know Cherry Hill Jail is located in Philadelphia Pennsylvania.

Free labor, Force labor in long term confinement has caused numerous of inmate death by isolation which is mental deterioration and physical deterioration. Free labor, Force labor can't rehabilitate inmates, it can't cure inmates mental illness. How can Free labor, Force labor teach a rapist, murderer, or an inmate with assaultive history to be civilized, righteous? It can not, will not. But Free labor, Force labor can only domesticate, dehumanize, and indoctrinate inmates into being slaves.

"I freed a thousand slaves." I could have freed a thousand more if they knew they were slaves." Harriet Tubman