

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 26, 2024

IN RE: *Mustafa Ali v. Pennsylvania Department of Corrections*, OOR Dkt. AP 2024-0844

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the submission provided by the Pennsylvania Department of Corrections (“Department”), it is determined that the appeal is **DISMISSED** because:

**The appeal is premature.** The Department’s evidence submitted during this appeal establishes that, after receiving the Request on March 21, 2024, the Department issued a thirty-day extension notice pursuant to Section 902 of the RTKL on March 22, 2024. 65 P.S. § 67.902(b); Han Att. at ¶¶ 4-5. On March 22, 2024,<sup>1</sup> prior to the expiration of the extension period or receiving a final response to the Request from the Department, the Requester filed an appeal in this matter. Because the appeal was filed prior to the expiration of the extension period invoked by the Department, the appeal is premature. Nothing in this Final Determination prevents the Requester from filing a new appeal with the OOR within the appropriate timeframe set forth in Section 1101(a) of the RTKL. 65 P.S. § 67.1101(a)(1).

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov).

Issued by:

/s/ *Jordan Davis*

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JORDAN C. DAVIS  
SENIOR APPEALS OFFICER

Sent via OOR portal only to: Mustafa Ali  
Ralph Salvia, Esq.

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<sup>1</sup> The Request is dated on March 12, 2024 but is considered filed as of the date received by the Department’s Open Records Officer. *Commonwealth v. Donahue*, 98 A.3d 1223 (Pa. 2014). The appeal is dated March 22, 2024, and is considered filed as of that date under the prison mailbox rule. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997)

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).