



**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:
	:
<b>ALLEN WILKINS, SR.,</b>	:
<b>Requester</b>	:
	:
<b>v.</b>	: <b>Docket No: AP 2022-2088</b>
	:
<b>DAUPHIN COUNTY,</b>	:
<b>Respondent</b>	:

On August 17, 2022, Allen Wilkins, Sr. (“Requester”), an inmate at SCI-Houtzdale, submitted a request (“Request”) to Dauphin County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “a copy of the 3382-CR-2002 docket sheet page that documents/confirms the filing of the order that granted my PCRA(S) on [January] 24, 2014.” Having received no response from the County, the Requester filed an appeal with the Office of Open Records (“OOR”) on August 29, 2022, arguing that the Request was deemed denied. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c). The parties did not make any submissions during the appeal.<sup>1</sup>

However, based on a review of the records attached to the request for appeal, the Requester is in possession of the record responsive to the Request. The docket sheet was provided along with

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<sup>1</sup> The OOR corresponded with the County by email, inquiring if any submissions would be made. The County returned an automatic read-receipt but did not respond or make submissions.

the Requester's appeal form and shows a pro se PCRA filing made to the court. Because the record fully satisfies the appeal, the matter is moot, and the appeal is moot.<sup>2</sup> *Kutztown Univ. of Pa. v. Bollinger*, 2019 Pa. Commw. Unpub. LEXIS 521, \*6 (Pa. Commw. Ct. 2019) (holding that an appeal is properly dismissed as moot where no controversy remains); *see also Angelucci v. Pa. Office of Admin.*, OOR Dkt. AP 2016-1558, 2016 PA O.O.R.D. LEXIS 1446 (the OOR will dismiss an appeal as moot where it can determine that the provided record is, on its face, fully responsive to the request).

Further, the RTKL only requires judicial agencies to provide financial records, and the OOR does not have jurisdiction over judicial agencies. 65 P.S. § 67.304; 65 P.S. § 67.503(b); *Faulk v. Phila. Clerk of Courts*, 116 A.3d 1183, 1187 (Pa. Commw. Ct. 2015). When a local agency possesses records of a judicial agency, the OOR is prohibited from ordering disclosure of the records. *Court of Common Pleas of Lackawanna County v. Office of Open Records*, 2 A.3d 810, 813 (Pa. Commw. Ct. 2010); *Grine v. County of Centre*, 138 A.3d 88 (Pa. Commw. Ct. 2016). To the extent the Requester seeks the modification of an entry on the docket sheet or some other record from the judiciary, the OOR is unable to grant access to the record.

## CONCLUSION

For the foregoing reasons, the appeal is **dismissed as moot**, and the County is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to Dauphin County Court of Common Pleas. 65 P.S. §67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the

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<sup>2</sup> The Request seeks to alter the docket language or to have further showings on the docket; it does not seek another record in itself.

OOR is not a proper party to any appeal and should not be named as a party.<sup>3</sup> This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: OCTOBER 6, 2022**

*/s/ Matthew Eisenberg*

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APPEALS OFFICER  
MATTHEW EISENBERG, ESQ.

Sent to: Allen Wilkins, Sr., FP-1629 (via US Mail only);  
Stephen Libhart (via email only)

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