IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Grady L. Neal,	:	
Petitioner	:	
	:	No. 1015 C.D. 2025
v.	:	
	:	Submitted: September 14, 2026
Pennsylvania Parole Board,	:	
Respondent	:	

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE DUMAS **FILED: November 2, 2026**

Grady L. Neal (Neal) has petitioned this Court to review an order issued by the Pennsylvania Parole Board (Board) on July 17, 2025 (Order), through which the Board affirmed its earlier decision, which was recorded on April 11, 2025 (Decision).[1] In that Decision, the Board recommitted Neal as a convicted parole violator (CPV), directed him to serve backtime as a result, and recalculated his maximum parole violation date. Upon review, we affirm.

I. BACKGROUND

On February 9, 2009, the Court of Common Pleas of Lycoming County sentenced Neal to an aggregate carceral term of 4 years, 6 months, and 28 days to 9 years, 6 months in state prison, following his conviction for multiple drug

[1] This decision is dated April 11, 2025, but was not mailed until five days later. *See* Certified Agency Record (C.R.) at 115-16.

trafficking- and possession-related charges, as well as his *nolo contendere* pleas regarding several DUI-related offenses. *See* C.R. at 6-7. Neal was subsequently paroled on October 20, 2014, at which point the maximum date on his 2009 sentence was September 10, 2019. *Id.* at 10-12. On September 23, 2017, Neal was arrested by the Montoursville Borough Police Department and was charged with multiple drug- and DUI-related offenses, which prompted the Board to issue a detainer warrant for Neal that same day. *See id.* at 16-17, 24.

Shortly thereafter, on August 24, 2017, federal authorities indicted Neal in the United States District Court for the Middle District of Pennsylvania (District Court) on one count of possession of a controlled substance with intent to distribute. *Id.* at 33. The District Court then issued an order on September 13, 2017, directing that Neal be detained pending the adjudication of that federal charge. *Id.* at 34. On October 17, 2017, the Commonwealth *nolle prossed* the state-level charges that had been lodged against Neal. *Id.* at 17. The Board subsequently cancelled its detainer warrant on September 13, 2019. *Id.* at 18. Neal eventually pleaded guilty to the aforementioned federal charge and was sentenced by the District Court on November 10, 2020, to 120 months in federal prison, along with 36 months of supervised release. *Id.* at 42-43, 60-62. The Board then reissued a detainer warrant on March 2, 2021, while Neal was serving his federal sentence. *See id.* at 19.

Neal was released from federal prison on January 28, 2025, at which point he was transferred to the Commonwealth's custody. *See id.* at 31, 96-100. The Board then commenced parole revocation proceedings against Neal. On March 31, 2025, the Board held a parole revocation hearing, during which Neal's counsel objected to the proceeding on two bases: first, the Board had failed to hold the hearing in a timely manner; and second, the Board had failed to ensure that Neal

served any backtime on his 2009 state-level sentence in advance of his federal time. *Id.* at 49-50. The Board's hearing examiner noted these objections for the record and then proceeded with the revocation hearing. *Id.* at 51. On April 11, 2025, the Board issued its decision, through which it recommitted Neal as a CPV to serve 12 months of backtime; awarded him 52 days of credit for the time period between July 23, 2017, and September 13, 2017, during which he was detained solely on the Board's warrant; and recalculated the maximum date on his 2009 sentence as October 28, 2029. *See id.* at 112-16.

Neal administratively appealed the Board's Decision on May 14, 2025.[2] Therein, he reiterated his arguments that the Board had failed to hold his parole revocation hearing in a timely manner and, in addition, had failed to ensure that he served his state-level backtime prior to his federal sentence. *Id.* at 117-18. The Board then issued its Order on July 17, 2025, through which it affirmed the Decision in full. *Id.* at 119-21. This appeal to our Court followed shortly thereafter.

II. DISCUSSION

Neal presents two interrelated arguments for our consideration, through which he challenges the Board's decision.[3] Specifically, Neal maintains that, per the Prisons and Parole Code,[4] relevant case law, and federal law, the Board was legally obligated to take him into custody immediately after his conviction in District Court.

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[2] This administrative appeal was timely, as Neal filed his administrative remedies form with the Board less than 30 days after the April 16, 2025 mailing date of the Board's Decision. *See* 61 Pa.C.S. § 6113(d); 37 Pa. Code § 73.1(a)(1), (b)(1) (a prisoner who wishes to challenge a parole revocation decision must do so by filing their administrative remedies form with the Board no later than 30 days after that decision's mailing date); C.R. at 115-16.

[3] Under Section 704 of the Administrative Agency Law, our standard of review in this matter is limited to determining whether the Board violated Neal's constitutional rights, committed an error of law, or made findings of fact that were not supported by substantial evidence. 2 Pa.C.S. § 704.

[4] 61 Pa.C.S. §§ 101-7301.

Neal's Br. at 11-24. Neal asserts that the Board's failure to do so renders erroneous its determination that his parole revocation hearing was held in a timely manner. *See id.*

We disagree. Recently, we addressed virtually identical arguments in *Miller v. Pennsylvania Parole Board*, ___A.3d___ (Pa. Cmwlth., No. 672 C.D. 2025, filed Aug. 28, 2026), 2026 WL 2539990.[5] In that matter, Miller was arrested in Maryland while on parole from a Pennsylvania sentence and was charged in state court with committing drug possession-related offenses. *Id.*, slip op. at 1-2, 2026 WL 2539990, at *1. The State of Maryland then withdrew those charges, in concert with the federal government assuming prosecutorial responsibility for the case. *Id.*, slip op. at 2, 2026 WL 2539990, at *1. Miller subsequently pleaded guilty in the United States District Court for the District of Maryland to conspiracy to distribute fentanyl and possession with intent to distribute fentanyl, and he was given an aggregate carceral sentence of 108 months in federal prison on September 24, 2019. *Id.* In response, the Board issued a detainer warrant on October 16, 2019. *Id.* Miller was eventually released from federal custody on October 17, 2024, at which point he was transferred to the Commonwealth's custody. *Id.*

The Board then held a parole revocation hearing on December 18, 2024, and issued a decision on December 30, 2024, through which it recommitted Miller as a CPV to serve backtime on his original Pennsylvania sentence and recalculated the maximum date on that sentence. *Id.* Thereafter, Miller filed a petition for administrative relief, in which he argued that the Board had failed to hold the revocation hearing in a timely manner. *Id.*, slip op. at 3, 2026 WL 2539990, at *1.

[5] *Miller* is a precedential opinion, but has yet to be published in the Atlantic Reporter, Third Series, due to the relative recency of its issuance.

The Board then denied Miller's petition, prompting him to appeal that denial to our Court.

On appeal, Miller argued that the Board's timeliness determination was erroneous, as its failure to have him serve backtime on his original Pennsylvania sentence in advance of his federal sentence contravened Section 6138(a)(5.1) of the Parole Code.[6] *Id.*, slip op. at 3-4, 2026 WL 2539990, at *2. Miller rested this claim on two propositions: first, per *Fumea v. Pennsylvania Board of Probation and Parole*, 147 A.3d 610 (Pa. Cmwlth. 2016), the Board was required to make affirmative efforts to take him into custody from federal authorities and could not idly allow him to remain in federal prison; and second, per 18 U.S.C. § 3623,[7] the

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[6] Section 6138(a)(5.1) of the Parole Code reads as follows: "If the offender is sentenced to serve a new term of total confinement by a [f]ederal court or by a court of another jurisdiction because of a verdict or plea under paragraph (1)[, *i.e.*, a guilty verdict, a guilty plea, or a plea of *nolo contendere*], the offender shall serve the balance of the original term before serving the new term." 61 Pa.C.S. § 6138(a)(5.1).

[7] As provided by this statute:

> The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if--
>
> > (1) the transfer has been requested by the Governor or other executive authority of the State;
> >
> > (2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and
> >
> > (3) the Director finds that the transfer would be in the public interest.
>
> If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

18 U.S.C. § 3623.

Board could have (and should have) requested that the federal government transfer him to Pennsylvania custody, as that statute rendered him available to the Board at any point after it had received official verification of his federal conviction. *Id.*, slip op. at 6, 10, 2026 WL 2539990, at *3, *5.

We found Miller's arguments to be wholly unpersuasive. In doing so, we recognized that due process considerations mandate that the Board hold a parole revocation hearing in a timely manner once it assumes custody over a parolee, as well as that the Board has codified this duty via its administrative regulations. *Id.*, slip op. at 4, 2026 WL 2539990, at *2 (quoting *Dill v. Pa. Bd. of Prob. & Parole*, 186 A.3d 1040, 1044 (Pa. Cmwlth. 2018), and 37 Pa. Code § 71.4(1)[8]). We further

[8] Per Section 71.4 of the Board's administrative regulations, in relevant part:

> The following procedures shall be followed before a parolee is recommitted as a [CPV]:
>
> > (1) A revocation hearing shall be held within 120 days from the date the Board received official verification of the plea of guilty or nolo contendere or of the guilty verdict at the highest trial court level except as follows:
> >
> > > (i) If a parolee is confined outside the jurisdiction of the Department of Corrections, such as confinement out-of-State, confinement in a Federal correctional institution or confinement in a county correctional institution where the parolee has not waived the right to a revocation hearing by a panel in accordance with *Commonwealth ex rel. Rambeau v. Rundle*, . . . 314 A.2d 842 ([Pa.] 1973), the revocation hearing shall be held within 120 days of the official verification of the return of the parolee to a State correctional facility.
> >
> > > (ii) A parolee who is confined in a county correctional institution and who has waived the right to a revocation hearing by a panel in accordance with the *Rambeau* decision shall be deemed to be within the jurisdiction of the Department of Corrections as of the date of the waiver.

37 Pa. Code § 71.4.

noted that, in instances where a parolee is unavailable to the Board (*e.g.*, when a parolee is in federal custody or held in federal prison), the clock does not begin to run with regard to revocation hearing timeliness until they have been returned to a state correctional institution. *Id.* (quoting *Brown v. Pa. Bd. of Prob. & Parole*, 184 A.3d 1021, 1025 (Pa. Cmwlth. 2017), and 37 Pa. Code § 71.4(1)(i)). We next determined that Miller's situation was distinguishable from that presented through *Fumea*, because Miller never posted bail after his arrest in Maryland and was not otherwise available to the Board until he had been returned to the Commonwealth's custody.[9] *Id.*, slip op. at 6-10, 2026 WL 2539990, at *3-*5. Moving on, we then explained that 18 U.S.C. § 3623 was of no assistance to Miller, because it merely allowed the federal government to transfer a prisoner to state custody in the interest of comity,[10] but did not enable the Board to either assert primary jurisdiction over a

[9] In *Fumea*, a parolee was arrested on federal charges and was subsequently released on unsecured bond. The Board responded by detaining the parolee pending disposition of the federal charges, but lifted the detainer and released him from custody after the passage of the then-operative maximum date on his original state sentence. The parolee was eventually found guilty in federal court and was sentenced several months later; during the intervening time period, the parolee was not in federal or state custody, but was instead entirely at liberty. The Board issued a new detainer warrant on the date of the parolee's federal sentencing, but did not assume custody over him until after he had served his federal sentence. Thereafter, the Board held a parole revocation hearing, at which the parolee asserted an objection to the hearing's timeliness, and subsequently issued a decision in which it overruled that objection and recommitted the parolee as a CPV. The Board then denied the parolee's administrative appeal, but we reversed that denial on appeal to our Court. In doing so, we explained that the Board's actions contravened Section 6138(a)(5.1) of the Parole Code and rendered the revocation hearing untimely pursuant to 37 Pa. Code § 71.4(1), because the Board had failed to adequately justify why it had failed to take the parolee into custody while he was at liberty between the dates of his federal conviction and subsequent sentencing thereon. *See* 147 A.3d at 611-20.

[10] "'Comity,' in the legal sense, is neither a matter of absolute obligation, on the one hand, nor of mere courtesy and good will, upon the other. But it is the recognition which one [sovereign] allows within its territory to the legislative, executive[,] or judicial acts of another [sovereign], having due regard both to . . . duty and convenience, and to the rights of its own citizens, or of other persons who are under the protection of its laws." *Hilton v. Guyot*, 159 U.S. 113, 163-64 (1895).

parolee who is held in federal custody or to "pluck [them] from federal prison[.]" *Id.*, slip op. at 13-14, 2026 WL 2539990, at *7 (quoting *Dill*, 186 A.3d at 1046). Accordingly, we concluded that neither *Fumea* nor 18 U.S.C. § 3623 altered the well-established rule that "when a parolee is in federal custody, confined in a federal facility, or is otherwise unavailable, the Board's duty to hold a revocation hearing, or take other action beyond issuing a detainer, is deferred until the parolee is returned to a [state correctional institution]." *Id.*, slip op. at 15, 2026 WL 2539990, at *8 (quoting *Brown*, 184 A.3d at 1025).

The same logic applies here. As in *Miller*, *Fumea* is inapplicable to Neal's situation, because he was in the federal government's custody during the entire period between the entrance of his District Court guilty plea through his subsequent release from federal prison. Furthermore, per *Miller*, 18 U.S.C. § 3623 does not vest the Board with anything other than discretionary, comity-based authority to lodge a parolee transfer request with the federal government. Given this, as well as the fact that the Board held Neal's parole revocation within 120 days of his return from federal custody to a state correctional institution (as required by 37 Pa. Code § 71.4(1)(i)), we have no basis for disturbing the Board's Order.

III. CONCLUSION

In accordance with the foregoing analysis, we affirm the Board's Order.

LORI A. DUMAS, Judge

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O R D E R

AND NOW, this 2nd day of November, 2026, it is hereby ORDERED that the Pennsylvania Parole Board's order, which was issued on July 17, 2025, is AFFIRMED.

LORI A. DUMAS, Judge