IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Isaac Naranjo, Appellant	:	
v.	:	No. 1213 C.D. 2025
K. Brittain, Superintendent	:	Submitted: October 13, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH FILED: November 13, 2026

Isaac Naranjo (Appellant), an inmate at the State Correctional Institution at Frackville (SCI-Frackville), appeals *pro se* from the August 27, 2025 order entered by the Court of Common Pleas of Schuylkill County (trial court) denying Appellant's motion for reconsideration of its July 30, 2025 denial of his petition to proceed *in forma pauperis* and dismissal of his petition for writ of *habeas corpus* as frivolous pursuant to Rule 240(j)(1) of the Pennsylvania Rules of Civil Procedure, Pa.R.Civ.P. 240(j)(1).[1] Because Appellant's notice of appeal was not timely filed, we are constrained to quash the appeal.

[1] Pa.R.Civ.P. 240(j)(1) provides: "If, simultaneous with the commencement of an action or proceeding or the taking of an appeal, a party has filed a petition for leave to proceed *in forma pauperis*, the court prior to acting upon the petition may dismiss the action, proceeding or appeal if the allegation of poverty is untrue or if it is satisfied that the action, proceeding or appeal is frivolous." A frivolous action or proceeding has been defined as one that "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

On July 14, 2025, Appellant filed a petition for writ of *habeas corpus* against Kathy Brittain (Brittain), the former Superintendent of SCI-Frackville, and a petition to proceed *in forma pauperis* in the trial court's civil division.[2] In his petition for writ of *habeas corpus*, Appellant asserted that he completed his maximum sentence in 2021 for attempted murder and aggravated assault, yet he is still being illegally detained. (Original Record (O.R.), Item No. 2.)

On July 30, 2025, the trial court dismissed the petition for *habeas corpus* and denied Appellant's petition to proceed *in forma pauperis*.

On August 25, 2025, Appellant filed a motion for reconsideration. (O.R., Item No. 5.) He argued that the trial court should have transferred his petition for writ of *habeas corpus* to the criminal division of the Philadelphia County Court of Common Pleas pursuant to Pa.R.Civ.P. 213(f) (addressing transfer of erroneously filed matters) and Section 5103 of the Judicial Code, 42 Pa.C.S. § 5103 (stating that if a matter "is . . . brought in a court . . . of this Commonwealth which does not have jurisdiction of the . . . matter, the court . . . shall not . . . dismiss the matter, but shall transfer the record thereof to the proper tribunal").

On August 27, 2025, the trial court denied Appellant's motion for reconsideration. On September 12, 2025, Appellant filed his Notice of Appeal from the trial court's August 27, 2025 order denying his motion for reconsideration.

On appeal, Appellant argues that the trial court erroneously dismissed his petition for writ of *habeas corpus* instead of transferring it to the criminal division of the Philadelphia Court of Common Pleas as required by Pa.R.Civ.P. 213(f) and Section 5103 of the Judicial Code.

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[2] Brittain filed a Notice of Non-Participation indicating that she would not be participating in this appeal because the matter was dismissed by the trial court prior to service.

As a threshold matter, we must address the timeliness of Appellant's appeal because it goes to the Court's jurisdiction. *Brown v. Greene County Office of District Attorney*, 255 A.3d 673, 675 (Pa. Cmwlth. 2021). Pennsylvania Rule of Appellate Procedure 903(a) provides that in an appeal from a common pleas decision, "the notice of appeal . . . shall be filed within 30 days after the entry of the order from which the appeal is taken." Pa.R.A.P. 903(a).

However, filing a motion for reconsideration does not stay the 30–day appeal period. *Oak Tree Condominium Association v. Greene*, 133 A.3d 113, 116 (Pa. Cmwlth. 2016) (explaining that a request for reconsideration of an order does not toll the appeal period unless reconsideration is expressly granted). A court of common pleas has the authority to modify or reconsider an order for 30 days after its entry. Rule 1701(b) of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 1701(b). Thus, a court of common pleas must expressly grant a timely filed motion for reconsideration in order for the appeal period to be stayed. *Oak Tree*, 133 A.3d at 116. Here, the trial court did not expressly grant Appellant's motion for reconsideration, and instead, **denied** reconsideration. Thus, the 30–day appeal period within which Appellant had to file his notice of appeal of the July 30, 2025 order dismissing his petition for writ of *habeas corpus* was not tolled.

Because the order dismissing his petition for writ of *habeas corpus* was issued on July 30, 2025, the appeal deadline was 30 days after that date, or August 29, 2025. While Appellant did file his motion for reconsideration within 30 days of the July 30, 2025 order, the trial court denied it, thus not tolling the appeal deadline. Therefore, because Appellant's Notice of Appeal was not filed until September 12, 2025, well after the deadline had passed, this Court cannot exercise jurisdiction over Appellant's appeal and is constrained to quash it.

Moreover, to the extent Appellant seeks to appeal from an order denying a motion for reconsideration, it is well established that an appeal cannot be taken from a trial court's decision to deny reconsideration, but must be taken from the final order resolving all claims. *See In re Estate of Merrick*, 247 A.2d 786, 787 (Pa. 1968) ("The refusal of a court to reconsider, rehear or permit reargument of a final decree is not reviewable on appeal."); *Oak Tree*, 133 A.3d at 118 (same). Accordingly, although the appeal here was timely as to the August 27, 2025 reconsideration order, that order itself is not appealable.

In light of the above, the appeal must be quashed.

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PATRICIA A. McCULLOUGH, Judge

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	:	
K. Brittain, Superintendent	:	

ORDER

AND NOW, this 13th day of November, 2026, the appeal in the above-captioned matter is QUASHED.

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PATRICIA A. McCULLOUGH, Judge