

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sean M. Donahue,	:
Petitioner	:
	:
v.	: No. 13 M.D. 2025
	: Submitted: April 13, 2026
Brian Schoonmaker, Chief of Police,	:
City of Hazleton Police Department,	:
and City of Hazleton Police	:
Department and Christopher Joseph	:
Schmidt, Deputy Attorney General,	:
PA Office of Attorney General,	:
Commonwealth of Pennsylvania, and	:
Commonwealth of Pennsylvania,	:
Pennsylvania Office of Attorney	:
General, and Court of Common Pleas	:
of Luzerne County,	:
Respondents	:

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM

FILED: October 6, 2026

Respondents Brian Schoonmaker, Chief of Police, City of Hazleton Police Department, and the City of Hazleton Police Department (collectively, the Police Department); Christopher Joseph Schmidt, Deputy Attorney General, Pennsylvania Office of Attorney General, and the Pennsylvania Office of Attorney General (collectively, the AG); and the Court of Common Pleas of Luzerne County (trial court or Common Pleas) have filed preliminary objections in response to Sean M.

Donahue's (Donahue)¹ complaint, which we treat as a petition for review (Petition), seeking, among other things, mandamus relief to effectuate the return of seized property. Upon review, we sustain the AG's preliminary objections and dismiss the Petition as to the AG, and transfer the matter to Common Pleas as it relates to Police Department and to the Pennsylvania Supreme Court with respect to Common Pleas.

BACKGROUND

Donahue is a frequent and prolific *pro se* filer. Over the past decade, he has filed countless actions in state and federal courts against various entities and individuals,² accompanied by copious and lengthy filings, many of which include hundreds of pages of attachments. The present case has a long and tortured history and is a continuation of his years-long legal battle seeking the return of his property seized in connection with criminal docket number CP-40-CR-0003501-2012 (Docket 3501-2012). The underlying criminal charges against Donahue resulted

¹ Donahue is representing himself in this matter.

² Just between this Court and the Superior Court, Donahue has filed over 30 appeals. *See Commonwealth v. Donahue*, No. 983 C.D. 2018; *Donahue v. Hazleton City Police Dep't*, No. 1051 C.D. 2019; *Donahue v. City of Hazleton*, No. 1333 C.D. 2020, *Donahue v. City of Hazleton*, No. 1334 C.D. 2020; *Donahue v. Luzerne Cnty.*, No. 630 M.D. 2022; *Donahue v. Hazleton City*, No. 571 C.D. 2023; *Commonwealth v. Donahue*, 379 C.D. 2025; *Donahue v. Kelly*, No. 53 MDM 2017; *Commonwealth v. Donahue*, No. 1949 MDA 2017; *Donahue v. Kelly*, No. 33 MDM 2018; *Donahue v. Paddick*, No. 34 MDM 2018; *Donahue v. Matangos*, No. 35 MDM 2018; *Commonwealth v. Donahue*, No. 44 MDA 2018; *Commonwealth v. Donahue*, No. 77 MDM 2018; *Commonwealth v. Donahue*, No. 1623 MDA 2018; *Commonwealth v. Donahue*, No. 1876 MDA 2018; *Commonwealth v. Donahue*, No. 364 MDA 2019; *Commonwealth v. Donahue*, No. 1608 MDA 2019; *Commonwealth v. Donahue*, No. 1640 MDA 2019; *Commonwealth v. Donahue*, No. 1641 MDA 2019; *Commonwealth v. Donahue*, No. 1642 MDA 2019; *Commonwealth v. Donahue*, No. 1643 MDA 2019; *Commonwealth v. Donahue*, No. 1644 MDA 2019; *Commonwealth v. Donahue*, No. 1645 MDA 2019; *Commonwealth v. Donahue*, No. 1646 MDA 2019; *Commonwealth v. Donahue*, No. 1647 MDA 2019; *Commonwealth v. Donahue*, No. 54 MDM 2020; *Commonwealth v. Donahue*, No. 150 MDA 2021; *Commonwealth v. Donahue*, No. 566 MDA 2021; *Commonwealth v. Donahue*, No. 743 MDA 2022; and *Commonwealth v. Donahue*, No. 926 MDA 2022.

from an e-mail he sent to the Luzerne County District Attorney, threatening to “essentially engage in a gun fight with police officers[] if the district attorney does not do as he desires[, and stating] people will be killed if he does not get the actions that he demands.” *Commonwealth v. Donahue*, (Pa. Super., No. 1949 MDA 2017, filed Aug. 22, 2018), slip. op. at 1-2, *appeal denied*, 207 A.3d 286 (Pa. Apr. 23, 2019), *cert. denied*, 589 U.S. 1026 (2019). Additional e-mails to the District Attorney followed, containing “threats of violence towards government employees and police officers.” *Id.*

1. Criminal Proceedings

The Commonwealth charged Donahue with terroristic threats and harassment. Following the execution of a search warrant, the police seized from Donahue’s home a “Winchester Mod 94 30-30’ rifle [(Rifle)] from under a bed.” *Donahue*, No. 1949 MDA 2017, at 2. Subsequently, Donahue filed a petition for writ of *habeas corpus* seeking to dismiss the charges, which the trial court granted. The Commonwealth appealed. The Superior Court affirmed the trial court’s dismissal of the harassment charge, but reversed the dismissal of the terroristic threats charge and remanded the matter to the trial court for further proceedings. *Id.*

On July 10, 2017, a jury found Donahue guilty of terroristic threats, a first-degree misdemeanor, and on September 18, 2017, the trial court sentenced him to a term of 120 days’ to 23 months’ imprisonment, credited him with 280 days for time served, and immediately paroled him. *Id.* On August 22, 2018, the Superior Court affirmed Donahue’s judgment of sentence and thereafter, the Pennsylvania Supreme Court denied his petition for allowance of appeal on April 23, 2019. The Superior Court subsequently denied four petitions Donahue filed under the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541-46. *See Commonwealth v. Donahue*, 296

A.3d 593 (Pa. Super. 2023) (unpublished memorandum). The Pennsylvania Supreme Court denied the resulting petitions for allowance of appeal.

2. Return of Property

According to the trial court docket, which spans over 130 pages, Donahue filed a motion for return of property under Pennsylvania Rule of Criminal Procedure 588, Pa.R.Crim.P. 588,³ at Docket 3501-2012 on May 14, 2018. Following a hearing, on June 14, 2018, the trial court granted the motion (June 14 Order), directing the AG and the Police Department to return the Rifle and its gun case. Reproduced Record (R.R.) at 1a. Finding it lacked jurisdiction, the trial court declined “to consider [Donahue’s] request that his civil rights ‘to include the right to bear, purchase, own and bear arms upon the completion of his sentence’ should be restored.” *Id.* Finally, the trial court directed a further hearing be scheduled on other items sought in Donahue’s motion for return of property. *Id.*

On July 31, 2018, the trial court stayed the June 14 Order. On August 20, 2018, this Court quashed as interlocutory the Commonwealth’s appeal from the June 14 Order. *See Commonwealth v. Donahue*, (Pa. Cmwlth., No. 983 C.D. 2018, filed Aug. 20, 2018 Order).

³ It provides:

(A) A person aggrieved by a search and seizure, whether or not executed pursuant to a warrant, may move for the return of the property on the ground that he or she is entitled to lawful possession thereof. Such motion shall be filed in the court of common pleas for the judicial district in which the property was seized.

(B) The judge hearing such motion shall receive evidence on any issue of fact necessary to the decision thereon. If the motion is granted, the property shall be restored unless the court determines that such property is contraband, in which case the court may order the property to be forfeited.

Pa.R.Crim.P. 588(A), (B).

Donahue also appealed the trial court's June 14 Order because it did not rule on his right to bear arms. The Superior Court quashed the appeal as interlocutory. *Commonwealth v. Donahue*, (Pa. Super., No. 1623 MDA 2018, filed Dec. 28, 2018 Order). Donahue again appealed the June 14 Order and the Superior Court not only quashed the appeal as interlocutory, but also as untimely and previously litigated. *Commonwealth v. Donahue*, (Pa. Super., No. 364 MDA 2019, Dec. 10, 2019 Order).

Relevant here, years later, Donahue filed multiple pleadings, including a new motion for return of property that encompassed the Rifle, in June 2024 at Docket 3501-2012.⁴ The Commonwealth generally objected to the pleadings, asserting the trial court should deny him relief under the PCRA because Donahue had completed his sentence six years ago. R.R. at 11a. The Commonwealth, however, acknowledged the trial court had not yet entered a final order concerning the return of Donahue's property. *Id.* at 11a-12a. The Commonwealth maintained the Rifle

⁴ Donahue also filed civil actions in federal and state courts. On November 3, 2023, the United States Court of Appeals for the Third Circuit affirmed the district court's judgment against Donahue and concluded his federal takings claim relating to the Rifle should have been brought in state court. The Third Circuit noted Donahue, among other things, could seek relief under the Political Subdivision Tort Claims Act (PSTCA), 42 Pa.C.S. §§ 8501-64. *Donahue v. City of Hazleton*, No. 22-3029, 2023 WL 7271079, at *2 (3d Cir. Nov. 3, 2023). Overlapping with the June 2024 filings, on June 12, 2024, Donahue, representing himself, filed a civil action at docket no. 2024-06420 under the PSTCA seeking the return of the Rifle. The trial court sustained the defendants' preliminary objections and dismissed the complaint with prejudice, concluding the claims, brought 12 years after the seizure of his property, were time-barred under Section 5524(3) of the Judicial Code (Code), 42 Pa.C.S. § 5524(3). The trial court further concluded that, despite the Third Circuit's guidance, Donahue failed to preserve his federal filing date under Section 5103(b) of the Code, 42 Pa.C.S. § 5103(b). Trial Court Order, 11/19/24, at 3-4 (unpaginated) (citing *Williams v. F.L. Smithe Mach. Co. Inc.*, 577 A.2d 907, 909-10 (Pa. Super. 1990) (“[I]n order to protect the timeliness of an action under [Section] 5103, a litigant, upon having his case dismissed in federal court for lack of jurisdiction, must promptly file a certified transcript of the final judgment of the federal court and, at the same time, a certified transcript of the pleadings from the federal action.”)).

should not be returned to Donahue because “he is legally prohibited from possessing a firearm,” specifically under federal law. *Id.* at 12a.

3. *Final Disposition*

On February 24, 2025, during the pendency of the present Petition, the trial court lifted the July 31, 2018 stay and granted in part and denied in part Donahue’s multiple *pro se* June 2024 filings. In particular, with respect to his efforts to seek the return of the Rifle, the trial court determined “the Commonwealth has correctly identified that [Donahue] is not a person to own firearms pursuant to 18 U.S.C. § 922.” R.R. at 385a. As a result, the trial court vacated in part the June 14 Order “to the extent it ordered the [AG] and the [Police Department] to promptly return the [Rifle].” *Id.* However, clarifying nothing would prohibit Donahue from possessing the rifle case, the trial court directed the Commonwealth to return it to him. *Id.*

The trial court denied Donahue’s motion to quash an August 23, 2019 forensic lab report. Noting it was Donahue’s fourth motion for return of property, the trial court concluded a hearing was not necessary, because factual or credibility disputes were not at issue. In support, the trial court recalled that, at a May 30, 2018 hearing, “the Commonwealth indicated, and [Donahue] agreed, that all items on the inventory list had been returned to [him], with the exception of the [R]ifle and case.” *Id.* at 385a-86a.

The trial court further denied Donahue’s motion to restore his right to own a firearm, concluding it “does not have the power to restore that right as he is prohibited from owning a firearm under federal law. His only avenue of relief is through a pardon from the Governor of Pennsylvania.” *Id.* at 386a.

Finally, characterizing the claim as civil in nature, the trial court denied Donahue's request for damages, emotional distress and items not previously captured in his request for return of property. Donahue timely appealed and the appeal currently is pending before this Court at Docket No. 379 C.D. 2025.

4. Petition for Review

As noted earlier, on January 15, 2025, while his various June 2024 pleadings and motions were pending before the trial court, Donahue filed the present five-count Petition in this Court's original jurisdiction against the Police Department, the AG, and Common Pleas. In Count 1, Donahue seeks mandamus relief, requesting this Court to direct Common Pleas to enforce the June 14 Order directing the AG and the Police Department to return the Rifle.⁵ Petition, at 2.

In Count 2, seeking mandamus relief against the "Commonwealth," Donahue asks this Court to enforce Common Pleas' June 14 Order against the AG and the Police Department. *Id.* at 3. In Count 3, Donahue requests this Court direct "the Commonwealth," presumably the AG and/or the Police Department, to return "all other seized property and payment of compensatory and punitive damages." *Id.* at 5 (unnecessary capitalization omitted). In Count 4, Donahue requests this Court to direct the Commonwealth "to not impede [him] from purchasing, owning, possessing, carrying and using a new gun" and any "ammunition" used therefor. *Id.* at 9. In support, Donahue claims "no justification" exists for the Commonwealth to deny him that right.⁶ *Id.* at 7. Finally, in Count 5, Donahue appears to request this Court direct Common Pleas to quash the August 23, 2019 forensic lab report, and

⁵ Donahue refers to the June 14 Order as the June 8, 2018 order.

⁶ Although dressed as a mandamus claim, Donahue essentially is seeking declaratory judgment.

rule on Donahue’s October 10, 2019 motion to suppress and expunge a Pennsylvania State Police crime lab analysis of the Rifle. *Id.* at 9-10.

5. *Preliminary Objections*

On February 6, 2025, the Police Department filed preliminary objections under Pennsylvania Rule of Civil Procedure (Rule) 1028(a)(1) and (4), seeking the dismissal of the Petition. Specifically, it asserts that, like in the dismissed civil action before the trial court, here too Donahue has failed to satisfy the requirements of Section 5103(b) of the Code. The Police Department asserts Donahue filed the Petition more than one year and two months after the Third Circuit put him out of court and, therefore, Donahue failed to preserve the federal filing date. Prelim. Obj., 2/6/25, at 10. As a result, it argues the Petition is untimely and should be dismissed. Separately, the Police Department asserts the Petition should be dismissed based on collateral estoppel because the underlying criminal case resolved the return of property issue. *Id.* at 17.

On February 14, 2025, Common Pleas filed preliminary objections, asserting this Court lacks “jurisdiction over” Donahue’s Petition against Common Pleas. Prelim. Obj., 2/14/25, at 4. Common Pleas further asserts “[t]o the extent [Donahue] is seeking relief requested but not granted in his criminal case, a writ of mandamus must be denied because he has no clear right to the relief requested.” *Id.* Additionally, Common Pleas notes “[t]o the extent [Donahue] is seeking enforcement of orders in his criminal case, a writ of mandamus must be denied because other adequate relief is available.” *Id.* Finally, mirroring the arguments raised by the Police Department, Common Pleas argues in the alternative that “[e]ven if mandamus were the appropriate remedy, [Donahue’s] claims are time-barred for his failure to comply with the requirements of [Section 5103(b)].” *Id.*

On March 13, 2025, the AG filed six preliminary objections. In its first objection, the AG asserts the Petition should be dismissed because Donahue failed to effectuate service of process under Rule 422(a).⁷ Contrary to the requirement of Rule 422(a), according to the AG, Donahue served them only by first-class mail. Prelim. Obj., 3/18/25, at ¶ 19. In its second objection, the AG seeks dismissal of the Petition based on the statute of limitations argument advanced by the Police Department. *Id.* at ¶ 21. Next, the AG claims it is an improper party because it has never been “in possession of any of [Donahue’s] property” and lacks the authority to exempt him “from federal law” relative to his right to own firearms. *Id.* at ¶¶ 24-25. In its fourth objection, the AG argues Donahue has an appropriate and adequate remedy available and should not be permitted to initiate the present mandamus action. *Id.* at ¶¶ 27-30 (Donahue’s “remedy would be to continue to litigate that issue in front of [Common Pleas] on his underlying criminal case, and through any standard appellate procedure, rather than begin a new action in the Commonwealth Court.”). In its fifth objection, the AG argues this Court also lacks the authority to issue any order declaring Donahue exempt from federal law relating to gun ownership. *Id.* at ¶¶ 37-38. Accordingly, the AG asserts Count 4 of the Petition

⁷ It provides:

Service of original process upon the Commonwealth or an officer of the Commonwealth, or a department, board, commission or instrumentality of the Commonwealth, or a member thereof, shall be made at the office of the defendant and the office of the attorney general by handing a copy to the person in charge thereof.

Pa.R.Civ.P. 422(a). Rule 422(a), however, is inapplicable here, because Pennsylvania Rule of Appellate Procedure 1514(c) “governs the service of original jurisdiction petitions for review on government units.” *Howard v. Commonwealth*, 957 A.2d 332, 335 (Pa. Cmwlth. 2008). It provides “[a] copy of the petition for review shall be served by the petitioner in person or by certified mail on both the government unit that made the determination sought to be reviewed and the Attorney General of Pennsylvania.” Pa.R.A.P. 1514(c).

should be dismissed. Finally, the AG asserts Count 3 should be dismissed because it is barred by collateral estoppel, because Donahue agreed at the May 30, 2018 hearing that he received all items listed on the inventory list. *Id.* at ¶ 41.

DISCUSSION

I. Jurisdiction

Before we address the merits of the preliminary objections, we must determine whether we have jurisdiction over the Respondents. *See Pennhurst Med. Grp., P.C. v. Dep't of Pub. Welfare*, 796 A.2d 423, 425 n.2 (Pa. Cmwlth. 2002) (noting subject matter jurisdiction may be raised at any time, either by the parties or by a court *sua sponte*, during the proceedings). Here, upon review of the Petition, we conclude this Court lacks jurisdiction over the Police Department and Common Pleas.

With respect to the Police Department, we previously have explained to Donahue that

this Court's original jurisdiction under Section 761(a) and (b) relates only to "officer[s]" of the "Commonwealth government," 42 Pa.C.S. § 761(a), (b), and ***does not include*** local police officers or departments, *see* Section 102 of the Judicial Code, 42 Pa.C.S. § 102 (excluding from the definition of Commonwealth government "any political subdivision, municipal or other local authority, or any officer . . . of any such political subdivision or local authority").

Donahue v. City of Hazleton, (Pa. Cmwlth., No. 1334 C.D. 2020, filed Jun. 2, 2023), slip. op. at 1 n.5 (emphasis added).⁸ Accordingly, we lack jurisdiction over the Police Department. However, we decline to dismiss the Petition against the Police

⁸ Unreported panel decisions of this Court may be cited for their persuasive value pursuant to Rule 126(b)(1)-(2) of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 126(b)(1)-(2), and Section 414(a) of this Court's Internal Operating Procedures, 210 Pa. Code § 69.414(a).

Department. Instead, we transfer it to the proper court, here Common Pleas, under Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a),⁹ because the Police Department is a local entity. Common Pleas therefore is directed to treat the Petition as one filed in its original jurisdiction, and upon receipt of the certified record from this Court, rule upon the Police Department’s preliminary objections. *See* Pa.R.A.P. 751.

We likewise cannot exercise jurisdiction over Common Pleas. It is well settled this Court “does not have jurisdiction to issue mandamus to courts of inferior jurisdiction . . . except where the mandamus is ancillary to a pending appeal.” *Kneller v. Stewart*, 112 A.3d 1269, 1271 (Pa. Cmwlth. 2015) (citation omitted). “Exclusive jurisdiction over non-ancillary mandamus to courts of inferior jurisdiction lies in the Pennsylvania Supreme Court.” *Id.* Here, Donahue seeks standalone, non-ancillary mandamus relief against Common Pleas, a court of inferior jurisdiction. Consistent with *Kneller*, we lack jurisdiction, and instead of dismissal,

⁹ It provides:

If an appeal or other matter is taken to or brought in a court or magisterial district of this Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth. A matter which is within the exclusive jurisdiction of a court or magisterial district judge of this Commonwealth but which is commenced in any other tribunal of this Commonwealth shall be transferred by the other tribunal to the proper court or magisterial district of this Commonwealth where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.

42 Pa.C.S. § 5103(a).

we transfer the Petition, as it relates to Common Pleas, to our Supreme Court under Section 5103(a).

Having concluded we lack jurisdiction over the Police Department and Common Pleas, we now address the AG's preliminary objections to the Petition. In this regard, we will focus on the AG's fourth and fifth preliminary objections.

2. Preliminary Objections

When reviewing preliminary objections, we consider only the contents of the pleadings, accepting as true all well-pled allegations of material fact and reasonable inferences of such allegations. *Key v. Pa. Dep't of Corr.*, 185 A.3d 421, 423 n.3 (Pa. Cmwlth. 2018). However, we need not accept as true conclusions of law, unwarranted inferences of fact, or opinions expressed by a pleading. *Torres v. Beard*, 997 A.2d 1242, 1245 (Pa. Cmwlth. 2010). A preliminary objection sounding in demurrer challenges the legal sufficiency of a pleading. *See* Pa.R.Civ.P. 1028(a)(4). A demurrer can be sustained only where, as a matter of law, the pleading party has failed to state a claim upon which relief can be granted. *Torres*, 997 A.2d at 1245. We cannot sustain the AG's preliminary objections unless it "appear[s] with certainty that the law will not permit recovery," and we resolve any doubts in favor of Donahue, as the non-moving party. *Id.*

"A writ of mandamus is an extraordinary remedy available only to compel the performance of a ministerial act or mandatory duty on the part of a governmental body." *Comrie v. Pa. Dept. of Corr.*, 142 A.3d 995, 1000 (Pa. Cmwlth. 2016). "The purpose of mandamus is not to establish legal rights, but to enforce those rights which are already established." *Arroyo v. Pappert*, 876 A.2d 1073, 1075 n.4 (Pa. Cmwlth. 2005) (citation omitted). Mandamus may only be granted where the moving party establishes a clear legal right, the respondent's corresponding duty and

the lack of any other appropriate and adequate remedy. *Comrie*, 142 A.3d at 1000; *see also Dotterer v. Sch. Dist. of City of Allentown*, 92 A.3d 875, 881 (Pa. Cmwlth. 2014) (“If any one of the foregoing elements is absent, mandamus does not lie.”). Mandamus relief “can never be invoked in a doubtful case.” *Equitable Gas Co. v. City of Pittsburgh*, 488 A.2d 270, 272 (Pa. 1985) (internal citation and quotation marks omitted). Stated differently, mandamus relief is inappropriate and unavailable “[w]here doubt as to the plaintiff’s right or defendant’s duty exists.” *Id.* at 273.

Here, in its fourth objection, the AG argues Donahue is not entitled to relief on Counts 2 and 3 of the Petition because he has an appropriate and adequate remedy available at law to litigate the return of the Rifle and other seized property. While the present Petition was pending in this Court, the trial court, on February 24, 2025, disposed of Donahue’s outstanding June 2024 filings, ***vacating***, in part, the June 14 Order that forms the basis of this action.¹⁰ As the AG aptly notes, instead of pursuing this mandamus action, Donahue should continue to seek relief in the appeal from the February 24 order ***currently pending*** before this Court at Docket No. 379 C.D. 2025.¹¹ We agree.

The existence of direct appeal rights, of which Donahue has undoubtedly availed himself, undercuts any argument that he lacks any other appropriate and adequate remedy. Donahue therefore fails to meet the third element required for the issuance of a writ of mandamus. *See Dotterer*, 92 A.3d at 881; *Petsinger v. Dept. of Lab. & Indus., Off. of Vocational Rehab.*, 988 A.2d 748, 754 (Pa. Cmwlth. 2010)

¹⁰ Tellingly, in response to Common Pleas’ preliminary objections, Donahue plainly acknowledges he filed the Petition because the trial court had not then ruled on his June 2024 filings. Answer to Prelim. Obj., 2/28/25, at 5 (“It is precisely because [the trial court] never ruled on the below motion that [Donahue] filed the instant Petition with the Commonwealth Court[.]”).

¹¹ Insofar as Donahue requests this Court consolidate the appeal filed at Docket No. 379 C.D. 2025 with the present original jurisdiction action, we deny the request.

(noting where there is an absolute right of appeal to this Court from a final decision, “mandamus or injunctive relief is unavailable.”). Accordingly, we sustain the AG’s fourth preliminary objection and dismiss with prejudice Counts 2 and 3 of the Petition.¹²

In its fifth objection, the AG argues it lacks the authority to restore Donahue’s right to own or possess firearms under 18 U.S.C. § 922(g) of the Federal Gun Control Act (Federal Act),¹³ and accordingly, Donahue is not entitled to relief as a matter of law. We agree. On this point, our Supreme Court’s decision in *Pennsylvania State Police v. Paulshock*, 836 A.2d 110, 115-16 (Pa. 2003) is instructive. There, this Court held a trial court’s order pursuant to Section 6105(d) of the Uniform Firearms Act, 18 Pa.C.S. § 6105(d), relieved the applicant’s disability from purchasing, owning, or using firearms under both that law and Section 922(g)(1) of the Federal Act. *Paulshock*, 836 A.2d at 111. Our Supreme Court reversed, noting Section 6105(d) referred only to lifting the disability under the Uniform Firearms Act and, therefore, only a “full expungement” of the applicant’s conviction pursuant to Section 9122 of the Criminal History Record Information Act, 18 Pa.C.S. § 9122,

¹² Separately, Donahue also cannot satisfy the clear right to relief element for securing mandamus relief because the trial court vacated the June 14 Order. Thus, Donahue has not established he is legally entitled to return of the Rifle.

¹³ It provides in relevant part:

g) It shall be unlawful for any person--

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

....

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 922(g).

would relieve the Federal disability. *Id.* at 114-15. The Supreme Court further noted it was unnecessary to reach the issue of whether a trial court could, per Section 6105(d), “restore a person’s civil rights, so as to relieve the subject of a [F]ederal firearms disability” based on its conclusion that a proceeding under that section could not relieve the Federal prohibition. *Id.* at 116. Thus, the Supreme Court held an exemption granted under Section 6105(d) of the Uniform Firearms Act does not relieve the Federal prohibition to obtain or possess a firearm.¹⁴ Accordingly, we sustain the objection and dismiss with prejudice Count 4 of the Petition.^{15, 16}

CONCLUSION

Based on the foregoing, we sustain the AG’s preliminary objections, dismiss with prejudice the Petition with respect to the AG, transfer the matter to the extent it relates to the Police Department to Common Pleas and to the Supreme Court with respect to Common Pleas.

¹⁴ Section 925(c) of the Federal Act, 18 U.S.C. § 925(c), provides the procedure by which a person, who is prohibited from possessing a firearm, may restore his or her firearms rights under federal law.

¹⁵ To the extent the AG indicates, and Donahue acknowledges, Donahue had multiple filings pending in the trial court at the time he filed the Petition, the doctrine of *lis pendens* is implicated under Rule 1028(a)(6). Pa.R.Civ.P. 1028(a)(6). “The doctrine of *lis pendens*, i.e. pendency of a prior action, applies when, in the previously filed case, the parties are the same, the rights are the same and the requested relief is the same.” *Swift v. Radnor Twp.*, 983 A.2d 227, 234 (Pa. Cmwlth. 2009). The doctrine is designed to “protect defendants from harassment of having to defend several suits on the same cause of action at the same time.” *Id.* The action then pending before the trial court and now pending before this Court on appeal at Docket No. 379 C.D. 2025 is essentially identical to the Petition. *See* R.R. at 74a-95a. In both cases, Donahue seeks the return of his property, especially the Rifle, and the restoration of his right to own firearms under the Federal Act. The AG is a party in both cases and the requested relief is nearly the same. Thus, the doctrine of *lis pendens* also applies, warranting dismissal of the Petition against the AG.

¹⁶ In light of our disposition, we need not address the AG’s remaining objections.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sean M. Donahue,	:
Petitioner	:
	:
v.	: No. 13 M.D. 2025
	:
Brian Schoonmaker, Chief of Police,	:
City of Hazleton Police Department,	:
and City of Hazleton Police	:
Department and Christopher Joseph	:
Schmidt, Deputy Attorney General,	:
PA Office of Attorney General,	:
Commonwealth of Pennsylvania, and	:
Commonwealth of Pennsylvania,	:
Pennsylvania Office of Attorney	:
General, and Court of Common Pleas	:
of Luzerne County,	:
Respondents	:

PER CURIAM

ORDER

AND NOW, this 6th day of October 2026, Sean M. Donahue's request to consolidate the above-captioned matter with his appeal filed at Docket No. 379 C.D. 2025 is hereby **DENIED**.

The preliminary objections filed by Christopher Joseph Schmidt, Deputy Attorney General, Pennsylvania Office of Attorney General, and the Pennsylvania Office of Attorney General (collectively, the AG) are **SUSTAINED** and the Petition for Review (Petition) filed by Sean M. Donahue is **DISMISSED** with prejudice as to the AG.

The portion of the Petition relative to Brian Schoonmaker, Chief of Police, City of Hazleton Police Department, and City of Hazleton Police Department is hereby **TRANSFERRED** to the Court of Common Pleas of Luzerne County pursuant to Section 5103(a) of the Judicial Code (Code), 42 Pa.C.S. § 5103(a). Separately, the portion of the Petition relative to the Court of Common Pleas of Luzerne County is **TRANSFERRED** to the Pennsylvania Supreme Court pursuant to Section 5103(a) of the Code.

The Prothonotary of this Court is **DIRECTED** to transmit the record of the above-captioned proceedings to both the Prothonotary of the Court of Common Pleas of Luzerne County and the Prothonotary of the Pennsylvania Supreme Court, together with a certified copy of this opinion and order, as well as a copy of this matter's docket entries.