

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Claudio Manzanet,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania Department of	:	
Corrections,	:	No. 245 M.D. 2025
Respondent	:	Submitted: June 16, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: October 7, 2026

Before this Court is the Pennsylvania Department of Corrections' (DOC) preliminary objection (Preliminary Objection)¹ to Claudio Manzanet's (Petitioner) pro se Petition for Review (Petition). After review, this Court dismisses the Petition for lack of jurisdiction and dismisses DOC's Preliminary Objection as moot.

Background²

Petitioner is incarcerated for life without the possibility of parole as a result of a jury trial and conviction for second-degree murder and related offenses.³

¹ Although titled Preliminary Objections, DOC only presents one preliminary objection.

² The facts are as alleged in the Petition, which this Court accepts as true, as it must, in deciding preliminary objections. *See Donahue v. Pa. Dep't of Hum. Servs.*, 347 A.3d 96, 101 (Pa. Cmwlth. 2025).

³ Petitioner directs this Court to *Commonwealth v. Manzanet*, 216 A.3d 372 (Pa. Super. 2019), for an in-depth factual and procedural history. *See* Petition ¶ 5. However, there is no

See Petition ¶ 5. Pertinent here, Petitioner was convicted in 1995 for his involvement in a drug robbery during which one person was shot to death. *See id.* The prosecution attempted to prove that Petitioner was the shooter, but the jury did not find anyone guilty of first-degree murder. *See id.* One co-defendant pleaded guilty and testified against Petitioner and his co-defendants. *See id.* Petitioner and co-defendant Fraticelli⁴ were found guilty of, *inter alia*, second-degree murder, robbery, possession of an instrument of crime, and criminal conspiracy; a third co-defendant was acquitted. *See id.* While taking responsibility for his actual involvement, Petitioner has consistently maintained that he was not the shooter. *See* Petition ¶ 6.

In 2020, Petitioner filed an application for clemency with the Board of Pardons (BOP) seeking commutation of his life sentence. *See* Petition ¶ 7. One of the requirements for completion of DOC's Commutation Summary is a *staffing* of the inmate. *See* Petition ¶ 8. Staffing is a DOC staff interview with Petitioner to review his criminal case details, incarceration history, and other relevant details. *See id.* On May 5, 2024, Unit Manager Cintron (Cintron), Counselor Long (Long), Psychologist Bartol (Bartol), Corrections Classification and Program Manager (CCPM) Damiter (CCPM Damiter), and Licensed Psychology Manager (LPM) Whitaker (LPM Whitaker)⁵ *staffed* Petitioner at the State Correctional Institution at Frackville (SCI-Frackville) in reference to his application for commutation. *See* Petition ¶ 9. Notwithstanding that DC-ADM 11.4.1, Section 9(C)(3) requires it, a

opinion at 216 A.3d 372. At that citation, it reads: "This disposition is referenced in the Atlantic Reporter. Beginning with the March 1979 session, the [Pennsylvania] Superior Court [(Superior Court)] adopted a practice of affirming, per curiam, some [orders] without a published opinion." *Id.* While "in most cases a memorandum opinion has been prepared and filed, copies of these memorandum opinions may [only] be obtained at the clerk's office of the Superior Court in the district in which the case arose." *Id.* Petitioner did not attach to his Petition a copy of the referenced memorandum opinion.

⁴ Fraticelli's first name does not appear in the Petition.

⁵ Cintron's, Long's, Bartol's, CCPM Damiter's, and LPM Whitaker's first names do not appear in the Petition.

corrections officer was not present during Petitioner’s staffing. *See* Petition ¶ 10. DC-ADM 11.4.1 further mandates: “A favorable recommendation is **not to be based on the inmate’s admission of guilt**, as the issues in question are mercy and evidence of change.” Petition ¶ 11 (quoting DC-ADM 11.4.1, Section 9(C)(2)(b) (all emphasis in original)). However, the staffing focused almost entirely on the facts of Petitioner’s criminal case in relation to how much responsibility Petitioner accepted for the crime. *See* Petition ¶ 12.

On May 13, 2024, Petitioner met with Superintendent Kathy Brittain (Superintendent Brittain), CCPM Damiter, and Deputy Superintendent Shawn Kephart. *See* Petition ¶ 14. Superintendent Brittain began the meeting by telling Petitioner: “[Y]ou are here to be interviewed because the three of us know you best.” Petition ¶ 14. This interview violated DOC policy on its face and in context. *See id.* According to DC-ADM 11.4.1, Section 9(C)(4), the Special Review Committee (SRC) consists of the Unit Management Major, CCPM, Deputy Superintendent, and Deputy Superintendent of Centralized Services; each member votes independently and must provide a rationale for his/her vote; and the SRC committee does not interview the inmate. *See* Petition ¶ 15. Here, the SRC interview consisted of the Superintendent, the CCPM and one Deputy Superintendent, instead of the required four-person panel listed above. *See* Petition ¶ 16. Moreover, the SRC interview should have never taken place because according to DC-ADM 11.4.1, Section 9(C)(3), the SRC does not interview the inmate. *See* Petition ¶ 17. The only meeting, staffing, or interview that is supposed to take place is the staffing listed in DC-ADM 11.4.1, Section 9(C)(3). *See id.* Further, the entire SRC interview, comments, and questions related to the facts of the underlying crime, and why Petitioner was/was not taking accountability for being the shooter in the homicide. *See* Petition ¶ 18.

After SCI-Frackville officially recommended that DOC recommend that Petitioner’s commutation be denied, Petitioner submitted request slips to various staff discussing the issues raised herein concerning the staffing and the SRC interview (Request Slips). *See* Petition ¶ 20. Thereafter, Petitioner wrote to Superintendent Brittain asking her to order that his application for commutation (including staffing, etc.) be reviewed anew and/or that the original application be remanded from the BOP to fix the previous errors. *See* Petition ¶ 20. Superintendent Brittain denied Petitioner’s request as not being possible, and stated that the procedures employed during DOC’s commutation review were appropriate. *See id.*

Petitioner next filed a grievance, wherein he argued that the staffing and SRC interview had violated DOC policy both in form and substance where those meetings occurred with the incorrect people or incorrect number of people, and discussed and based the relief upon inappropriate and irrelevant details. *See* Petition ¶ 20(a).⁶ On December 3, 2024, a Grievance Officer denied the grievance in the Initial Review Response (IRR), stating therein: “The portion of the policy [Petitioner] refer[s] to does not preclude members of [a]dministration from discussing [his] commutation [] with [him].” Petition ¶ 21. Petitioner appealed from the grievance denial to the Facility Manager, wherein Petitioner highlighted the IRR errors. *See* Petition ¶ 22. On December 24, 2024, the Facility Manager denied the appeal from the grievance denial. *See* Petition ¶ 23. The Facility Manager’s response contained no new facts or argument; it only upheld the IRR. *See id.*

Thereafter, Petitioner filed an Inmate Appeal to Final Review, arguing therein that DOC’s two previous decisions had ignored facts and policy. *See* Petition ¶ 24. On March 4, 2025, the Chief Grievance Officer also denied the grievance. *See*

⁶ The Petition contains two paragraphs numbered 20. Thus, this Court references the second paragraph, 20(a).

Petition ¶ 25. The Chief Grievance Officer stated that the initial grievance was untimely and should have been rejected as such. *See id.*

Petitioner filed the Petition on July 1, 2025, seeking:

[T]his Court [to] enter a judgment finding:

1. That [] DOC's process in the staffing and SRC vio[la]ted not only [its] own policy, but Petitioner's right to [d]ue [p]rocess under that policy and right to [d]ue [p]rocess during his commutation application; and
2. Order [] DOC to remedy Petitioner's deprivation, by completing his commutation application recommendation packet for the BOP a[nd] resubmitting [it] to the BOP; and
3. Order DOC to institute a plan of action, ver[if]iable by this Court, to ensure that DOC policy is followed in commutation applications for all those similarly situated in the future; and/or
4. Order any other relief deemed appropriate to ach[ie]ve the necessary and just outcome.

Petition, *Ad Damnum* Clause.

On August 25, 2025, DOC filed its Preliminary Objection in the nature of a demurrer under Pennsylvania Rule of Civil Procedure 1028(a)(4), alleging that Petitioner failed to state a claim upon which relief could be granted. DOC and Petitioner have filed their respective briefs. The Preliminary Objection is now ripe for review.

Discussion

Initially,

[i]n ruling on [preliminary objections], this Court must “accept as true all well-pleaded material allegations in the petition for review and any reasonable inferences that [it] may draw from the averments.” *Highley v. Dep[’t] of*

Transp[.], 195 A.3d 1078, 1082 (Pa. Cmwlth. 2018). However, [this Court] [is] “not bound by legal conclusions, unwarranted inferences from facts, argumentative allegations, or expressions of opinion encompassed in the [p]etition for review.” *Id.* This Court should sustain [preliminary objections] only where “the law makes clear that the [p]etitioner cannot succeed on his claim.” *Id.* at 1083. “[W]here any doubt exists as to whether the [preliminary objections] should be sustained, the doubt must be resolved in favor of overruling the [preliminary objections].” [Pa.] *State Lodge, Fraternal Ord[.] of Police v. Dep[’t] of Conservation & Nat[.] Res[.]*, 909 A.2d 413, 416 (Pa. Cmwlth. 2019).

Donahue v. Pa. Dep’t of Hum. Servs., 347 A.3d 96, 101 (Pa. Cmwlth. 2025).

Further,

[m]andamus is “an extraordinary writ and a remedy used to compel performance of a ministerial act or a mandatory duty.” *Burns v. Bd. of Dirs. of Uniontown Area Sch. Dist.*, 748 A.2d 1263, 1268 (Pa. Cmwlth. 2000). For a party to prevail in a mandamus action, it must demonstrate[:] (1) a clear legal right in the petitioner for performance of the ministerial act or mandatory duty; (2) a corresponding duty in the respondent to perform the ministerial act or mandatory duty; and (3) no other appropriate remedy available. *Id.*

Bethke v. City of Phila., 343 A.3d 370, 375 (Pa. Cmwlth. 2025).

DOC argues that Petitioner has failed to state a valid legal claim because DOC policy does not create rights in inmates, and Petitioner’s due process rights during the commutation process were not violated because Petitioner does not have an inherent right to a commutation. Petitioner rejoins that he has stated a valid legal claim in that DOC’s policy violations deprived him of his due process rights.

This Court has explained:

[T]here is a narrow category of prisoner due process claims that fall within our original jurisdiction. To invoke this Court’s original jurisdiction, a petitioner must identify a constitutionally-protected liberty or property interest.

Williams v. Wetzel, . . . 232 A.3d 652, 653-54 ([Pa.] 2020). The interest must not be limited by [DOC] regulations yet be affected by a final [DOC] decision. States may also create a liberty or property interest protected by due process by adopting certain regulations that “impose[] atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Sandin [v. Conner]*, 515 U.S. [472,] 483-84 . . . [(1995)]. In such cases, the focus of inquiry is on the nature of the alleged deprivation, not the language of a particular regulation.

Absent a protected interest, this Court lacks jurisdiction to consider a claim. *See, e.g., Williams*, 232 A.3d at 654 (reversing this Court because there is “no constitutionally protected interest in maintaining prison employment”); *Bronson [v. Cent. Off. Rev. Comm.]*, 721 A.2d [357,] 359 [(Pa. 1998)] (disapproving this Court’s exercise of original jurisdiction in *Kisner v. [Department of Corrections]*, 683 A.2d 353 (Pa. Cmwlth 1996)).

Gentilquore v. Pa. Dep’t of Corr., 326 A.3d 512, 516-17 (Pa. Cmwlth. 2024) (en banc) (footnotes and citations omitted).

At the outset, the Pennsylvania Supreme Court has explained:

The Pennsylvania Constitution entrusts clemency decisions to the sole *discretion* of the executive branch. *See* Pa. Const. art. IV, § 9(a) (“In all criminal cases except impeachment[,], the [g]overnor shall have power . . . to grant reprieves, commutation of sentences and pardons[.]”).

Commonwealth v. Michael, 56 A.3d 899, 903 (Pa. 2012) (*per curiam*) (emphasis added).

The constitutionally created [BOP] reviews all applications for clemency, and no pardon or commutation can be granted without the [BOP’s] recommendation after a full hearing in open session with public notice. Pa. Const. art. IV, § 9(a). This provision does not guarantee a hearing to all applicants; it guarantees a full, public hearing only when the [BOP] recommends clemency and before the governor acts on that recommendation.

Hennessey v. Pa. Bd. of Pardons, 655 A.2d 218, 220 (Pa. Cmwlth. 1995).

Because **there is no constitutional right to clemency**, it is widely understood that, at most, **only minimal due process protections apply** in the executive consideration process. *See, e.g., Workman v. Bell*, 245 F.3d 849, 852-53 (6th Cir. 2001) (citing [*Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 289 (1998)] (O'Connor, J., concurring) (explaining that “[j]udicial intervention might, for example, be warranted in the face of a scheme whereby a state official flipped a coin to determine whether to grant clemency, or in a case where the [s]tate arbitrarily denied a prisoner any access to its clemency process.”)).

Michael, 56 A.3d at 903 (emphasis added).

Relative to Petitioner’s claim that DOC’s violations of its own policy (DC-ADM 11.4.1)⁷ deprived him of his due process rights, it is well established that

allegations that [DOC] failed to follow its . . . internal policies cannot support a claim based upon a vested right or duty because these administrative rules and regulations, unlike statutory provisions, usually do not create rights in prison inmates. *Tindell v. Dep[’t] of Corr[.]*, 87 A.3d 1029, 1035 (Pa. Cmwlth. 2014); *Bullock v. Horn*, 720 A.2d 1079, 1082 n.6 (Pa. Cmwlth. 1998).

Shore v. Pa. Dep’t of Corr., 168 A.3d 374, 386 (Pa. Cmwlth. 2017).

⁷ Petitioner did not attach DC-ADM 11.4.1 to his Petition. However, the Policy Statement is titled, “Case Summary,” and the relevant section, “Section 9”, is titled, “Commutation Summary.” <https://www.pa.gov/content/dam/copapwp-pagov/en/cor/documents/about-us/doc-policies/11.04.01%20Case%20Summary.pdf> (last visited Oct. 6, 2026). DC-ADM 11.4.1(VI) expressly provides:

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. **This policy should be interpreted to have sufficient flexibility** to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of [DOC].

DC-ADM 11.4.1(VI) (emphasis added).

Here, Petitioner asserts that DOC's staffing process and SRC interview violated not only its own policy, but Petitioner's right to due process under that policy and his right to due process during review of his commutation application. *See* Petition, *Ad Damnum* Clause.

However, . . . the failure of prison officials to follow [DOC's] policy does not, in and of itself, result in a violation of due process. The simple fact that [a DOC policy] prescribes certain procedures does not mean that the procedures thereby acquire a federal constitutional dimension. Thus, violations of [DOC's policies] that require certain procedures, which are not compelled by the [United States] Constitution because there is no liberty interest that those state mandated procedures protect, do not make out a [due process] claim

Shore, 168 A.3d at 386 (quoting *Bohm v. Straw* (W.D. Pa., No. 12-16J, filed Jan. 8, 2013), slip op. at 15-17 (citations and internal quotation marks omitted)).

Here, although there is no constitutional right to clemency, *see Michael*, DOC has a commutation process in place. *See* DC-ADM 11.4.1. DC-ADM 11.4.1 requires, *inter alia*, that the staffing team include a corrections officer, and that the SRC “does not interview the inmate.” DC-ADM 11.4.1, Section 9(C)(4). By Petitioner's own admission, he received the required staffing (with Cintron, Long, Bartol, CCPM Damiter and LPM Whitaker), though without a corrections officer, *see* Petition ¶ 9, and an SRC (consisting of the Superintendent, the CCPM and one Deputy Superintendent) voted on his recommendation, albeit after interviewing Petitioner. *See* Petition ¶ 16. Because DOC policy “does not confer upon [Petitioner] a protected property or liberty interest under the due process clause[,]” *Shore*, 168 A.3d at 386, and these discrepancies are patently different from “a scheme whereby a state official flipped a coin to determine whether to grant clemency, or . . . a case where the [s]tate arbitrarily denied a prisoner any access to its clemency process[,]” which would require judicial intervention, *Michael*, 56 A.3d

at 903, Petitioner has not pled sufficient facts to set forth a due process claim. Accordingly, pursuant to *Gentilquore*, this Court lacks jurisdiction to consider Petitioner's claim.

Conclusion

For all of the above reasons, the Petition is dismissed for lack of jurisdiction and DOC's Preliminary Objection is dismissed as moot.

ANNE E. COVEY, Judge

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O R D E R

AND NOW, this 7th day of October, 2026, Claudio Manzanet's pro se Petition for Review (Petition) is DISMISSED for lack of jurisdiction and the Pennsylvania Department of Corrections' Preliminary Objection to the Petition is DISMISSED as moot.

ANNE E. COVEY, Judge