

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Nathan K. Robinson,	:	
Petitioner	:	
	:	
v.	:	
	:	
	:	
Superintendent Gina Clark, Et Al.,	:	No. 257 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 23, 2026

Before this Court are the Superintendent of the State Correctional Institution (SCI) at Chester (SCI-Chester), Gina Clark's (Superintendent Clark), preliminary objections (Preliminary Objections) to Nathan K. Robinson's (Petitioner) Petition for Review in the nature of a Writ of Mandamus and Extraordinary Relief (Petition). After review, this Court overrules Superintendent Clark's first Preliminary Objection and transfers the Petition to the Delaware County Common Pleas Court (Common Pleas).

Petitioner is currently confined in SCI-Chester.¹ See Petition ¶ 2. Petitioner is continuing to serve an aggregated sentence of 11 years and 3 months to 22 years and 6 months as a result of Petitioner's drug convictions (Original Sentence). See Petition ¶ 4. Petitioner's Original Sentence maximum release date is October 27, 2029. See Petition ¶ 5. Petitioner was released on parole.² On

¹ See also <https://inmatelocator.cor.pa.gov/#/Result> (last visited Oct. 22, 2026).

² The Petition does not include any information relative to Petitioner's parole release date.

February 24, 2025, New Jersey law enforcement arrested Petitioner on new criminal charges (New Charges). *See* Petition ¶ 6. On March 4, 2025, Petitioner was released on his own recognizance from New Jersey custody and given an *appear in court* date of April 14, 2025, but the Pennsylvania Parole Board (Board) issued a warrant to detain him. *See* Petition ¶¶ 7-8. On March 11, 2025, the Board took Petitioner into custody and returned him to SCI-Chester. *See* Petition ¶ 7. On March 21, 2025, Petitioner waived the Board's recommitment hearing and admitted to the New Charges. *See* Petition ¶ 9.

On March 27, 2025, Petitioner wrote to SCI-Chester's inmate records department (records department), via request slip, inquiring whether it was aware of Petitioner's April 14, 2025 court appearance. *See* Petition ¶ 11. On March 31, 2025, the Board notified Petitioner that he was to be detained pending disposition of the New Charges. *See* Petition ¶ 10; *see also* Petition Ex. A.

On April 3, 2025, L. Rodgers (Rodgers),³ a records department staff member, replied to Petitioner, via request slip, stating that the records department was not aware of Petitioner's parole status or release date and, once it found out, it would contact New Jersey. *See* Petition ¶ 11; *see also* Petition Ex. B. On April 14, 2025, Petitioner did not appear before the New Jersey criminal court (New Jersey Court) on the New Charges, and, thus, the New Jersey Court lodged a detainer against him. *See* Petition ¶ 12.

On April 17, 2025, Petitioner contacted the SCI-Chester records department, via request slip, to initiate the Interstate Agreement on Detainers (IAD)⁴ process under the Agreement on Detainers Act (Act), 42 Pa.C.S. §§ 9101-

³ Petitioner does not include Rodgers' first name in the Petition.

⁴ IAD is an agreement that establishes procedures for the transfer of prisoners incarcerated in one jurisdiction to the temporary custody of another jurisdiction which has lodged a detainer against them. *See* Section 9101 of the Agreement on Detainers Act, 42 Pa.C.S. § 9101.

9108, for final disposition of the New Charges. *See* Petition ¶ 13. On April 28, 2025, Petitioner again contacted the records department, via request slip, inquiring if the IAD process had begun and, on May 5, 2025, Rodgers responded that the IAD process had not started because Petitioner did not qualify under the Act for final disposition because he was a parole violator. *See* Petition ¶ 14; *see also* Petition Ex. C.

On May 7, 2025, Petitioner contacted Superintendent Clark, via request slip, seeking final disposition of the New Charges through the IAD process.⁵ *See* Petition ¶ 15. On May 19, 2025, Superintendent Clark responded that per the Department of Corrections’ (DOC) policy, an inmate in parole violator status is not eligible for the IAD process until the Board recommit him because he is not permitted to leave the Commonwealth of Pennsylvania (Commonwealth).⁶ *See id.* Also, on May 19, 2025, Petitioner again contacted the records department, via request slip, declaring that he qualified for the IAD process under Article III of the Act, 42 Pa.C.S. § 9101. *See* Petition ¶ 16. On that same day, the records department responded that in order for Petitioner to be eligible for the IAD process, the Board must recommit him as a convicted parole violator or a technical parole violator. *See id.*

On July 10, 2025, Petitioner filed the Petition, pro se, in this Court’s original jurisdiction requesting this Court to: (1) direct Superintendent Clark to proceed with the IAD process that Petitioner initiated; and (2) direct DOC to amend its policy as it relates to the eligibility of all persons serving a term of imprisonment

⁵ In the Petition, Petitioner averred that the request was made to Superintendent Clark. *See* Petition ¶ 15. However, the request slip attached to the Petition reflects that he directed it to “Superintendent Carter.” Petition, Ex. D.

⁶ Although Petitioner alleged that Superintendent Clark responded to the request slip, “L. Johnson” signed it. Petition ¶ 15; *see also* Petition, Ex. D.

in an institution in the warden’s custody despite their status.⁷ *See* Petition, *Ad Damnum* Clause. On October 7, 2025, Superintendent Clark filed her Preliminary Objections, therein alleging: (1) Petitioner failed to join a necessary party, the Board, notwithstanding pleading factual allegations involving Board actions that caused his SCI-Chester detention; (2) Petitioner failed to sufficiently assert that Superintendent Clark was personally involved in the actions he claims violated the Act and his rights under the Fourteenth Amendment to the United States Constitution, U.S. CONST. amend. XIV; and (3) Petitioner has not met his burden to show that he has a clear right to relief under the circumstances or that Superintendent Clark has a corresponding duty to act in a particular manner.

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).

⁷ Although Petitioner seeks an order from this Court directing DOC to amend its policy, DOC is not a party to this action. *See* Petition at 1 (“Petitioner . . . respectfully petitions this [] Court for Writ of Mandamus to be directed to Superintendent [] Clark and avers the following”); Petition ¶ 3 (“Respondent is Superintendent [] Clark acting in her official capacity with her principal office loca[.]ted at 500 E[.] 4th Street Chester, P[A] 19013.”). Accordingly, since DOC is not a party to this case, this Court cannot take any action against it.

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

Superintendent Clark first argues that the Board is an indispensable party, and no decree can be made without impairing its rights, as it was the Board's action which resulted in Petitioner's detention as a parole violator pending the disposition of his New Charges; thus, Petitioner has failed to join a necessary party and his Petition should be dismissed with prejudice. Petitioner rejoins that the Board is not an indispensable party to this action because it has no jurisdiction or authority under the Act. Petitioner retorts that the Board's detainer is not the reason Petitioner cannot initiate a final disposition of an untried indictment, information, or complaint under the Act. Petitioner asserts that since the Act requires Superintendent Clark's action, not the Board's action, the Board is not an indispensable party here.

[The Pennsylvania Supreme Court] ha[s] previously stated that a party is indispensable “when his or her rights are so connected with the claims of the litigants that no decree can be made without impairing those rights.” *City of Phila[.] v. Commonwealth*, . . . 838 A.2d 566, 581 ([Pa.] 2003) (quoting *Sprague v. Casey*, . . . 550 A.2d 184, 189 ([Pa.] 1988)). A party is further indispensable when it “has such an interest that a final decree cannot be made without affecting it, or leaving the controversy in such a condition that the final determination may be wholly inconsistent with equity and good conscience.” *Van Buskirk v. Van Buskirk*, . . . 590 A.2d 4, 7 ([Pa.] 1991) (quoting *Hartley v. Langkamp* . . . , . . . 90 A. 402, 403 ([Pa.] 1914)).

Gustafson v. Am. Fed. of State, Cnty., & Mun. Emps., Council 13, 349 A.3d 970, 985 (Pa. 2026). Further, “[t]he question of indispensability is decided by examining the nature of the claims asserted and the relief sought to determine whether the party has a right or interest related to the claims and essential to their merits such that due process requires the party's participation in the litigation.” *Patterson v. Commonwealth*, 327 A.3d 726, 733 (Pa. Cmwlth. 2024).

Here, Petitioner is seeking to have this Court direct Superintendent Clark to proceed with the IAD process under the Act. Section 9101, Article III of the Act provides, in relevant part:

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information[,] or complaint on the basis of which a detainer has been lodged against the prisoner, **he shall be brought to trial within 180 days after *he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information[,] or complaint[.] . . .***

(b) **The written notice and request for final disposition** referred to in paragraph (a) hereof **shall be given or sent by the prisoner to the warden, commissioner of corrections[,] or other official having custody of him, *who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.***

. . . .

(d) **Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations[,] or complaints** on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. **The warden, commissioner of corrections[,] or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts** in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent **of the proceeding being initiated by the prisoner.**

42 Pa.C.S. § 9101 (bold and italic emphasis added).

Thus, under the Act, Petitioner is to give the request for final disposition to Superintendent Clark, who is to promptly forward it together with the certificate to the appropriate prosecuting official and court. Superintendent Clark argues that the Board is a necessary party here because the Board's detainer is preventing Petitioner's eligibility for the IAD process. However, Petitioner is correct that no such *eligibility* mandate is included in the Act. The only requirements are that "a person has entered upon a term of imprisonment in a penal or correctional institution of a party state[,] and "there is pending in any other party state any untried indictment, information[,] or complaint on the basis of which a detainer has been lodged against the prisoner[.]" *Id.* Here, Petitioner is currently serving an indefinite term of imprisonment in Pennsylvania, and New Jersey has a detainer against him for the New Charges.

Assuming, arguendo, that the Board's *interest* is its right to detain Petitioner until resolution of his parole violation, such interest is incongruous with the Act given that the Board's detainer is pending *resolution of his New Charges*, the same charges for which Petitioner is requesting the IAD process. Because the Board's participation in the litigation is not essential to the merits of the Petition, the Board is not a necessary party. Accordingly, Superintendent Clark's first Preliminary Objection is overruled.

Given that the Board is not an indispensable party, this Court must determine if it has original jurisdiction over Superintendent Clark.⁸

Section 761(a) of the Judicial Code provides, in relevant part:

General rule.--The Commonwealth Court shall have original jurisdiction of all civil actions or proceedings:

⁸ Although Superintendent Clark did not raise jurisdiction in her Preliminary Objections, "[t]he question [of] whether a court has jurisdiction . . . may be raised at any time in the course of the proceedings, including by a reviewing court *sua sponte*." *Dep't of Env't Prot. v. Cromwell Twp., Huntingdon Cnty.*, 32 A.3d 639, 646 (Pa. 2011).

(1) Against the **Commonwealth government**, including any officer thereof, acting in his official capacity, except:

(i) actions or proceedings in the nature of applications for a writ of habeas corpus or post-conviction relief not ancillary to proceedings within the appellate jurisdiction of the court[.]

42 Pa.C.S. § 761(a) (text emphasis added). Further, “the superintendent of a[n SCI], who is not charged with the requisite kind of statewide policymaking responsibility, is an employee rather than an officer.” *Madden v. Jeffes*, 482 A.2d 1162, 1165 (Pa. Cmwlth. 1984) (citation omitted); *see also Robins v. Pa. Dep’t of Corr.* (Pa. Cmwlth. No. 495 M.D. 2024, filed July 13, 2026), slip op. at 6 (Because “Superintendent Salamon’s duties were limited to SCI-Rockville, [this Court] agree[s] with [the r]espondents that she is not a Commonwealth officer for purposes of this Court’s original jurisdiction[.]”).⁹ Accordingly, because Superintendent Clark is not an officer of the Commonwealth government, this Court lacks jurisdiction to address Petitioner’s claims.

This Court has explained:

In these circumstances, [this Court] will not dismiss the action but, rather, transfer it to the proper court pursuant to Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a). Section 5103(a) [of the Judicial Code] provides, in pertinent part:

(a) General rule.--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

⁹ Per Section 414(a) of the Internal Operating Procedures of the Commonwealth Court of Pennsylvania, 210 Pa. Code § 69.414(a), unreported Commonwealth Court opinions issued after January 15, 2008, may be cited for their persuasive value.

transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth. . . .

42 Pa.C.S. § 5103(a)[;] [*s*] *ee also* Pa.R.A.P. 751(a).

Patterson, 327 A.3d at 734. Here, because Petitioner has sued Superintendent Clark, this Court will transfer the matter to Common Pleas and, upon receipt of the record, Common Pleas will rule upon Superintendent Clark's remaining Preliminary Objections.

For all of the above reasons, Superintendent Clark's first Preliminary Objection is overruled, and the matter is transferred to Common Pleas.

ANNE E. COVEY, Judge

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O R D E R

AND NOW, this 23rd day of October, 2026, the Superintendent of the State Correctional Institution at Chester, Gina Clark's (Superintendent Clark), first Preliminary Objection to Nathan K. Robinson's Petition for Review in the nature of a Writ of Mandamus and Extraordinary Relief is OVERRULED, and the matter is TRANSFERRED to the Delaware County Common Pleas Court (Common Pleas) to rule on Superintendent Clark's remaining Preliminary Objections.

The Commonwealth Court prothonotary shall transmit the record of the above-captioned proceedings to Common Pleas' prothonotary, together with a copy of this memorandum opinion and order.

Jurisdiction is relinquished.

ANNE E. COVEY, Judge