

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK BUTLER,

Plaintiff,

vs.

GEORGE LITTLE and JAKE BEACH

Defendants.

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No. 1:22-cv-00289-RAL

Magistrate Judge Lanzillo

Electronically Filed.

ANSWER TO AMENDED COMPLAINT [ECF 28]

AND NOW, comes the Defendants, GEORGE LITTLE and JAKE BEACH, by and through their Attorney, Dalia A. Aboraya, Deputy Attorney General, and Pennsylvania Office of Attorney General, and file the within Answer to Plaintiff's Amended Complaint [ECF 28] and, in support thereof, avers as follows:

Jurisdiction & Venue

1. This paragraph summarizes the sources of legal authority and claims made later in the Amended Complaint. To the extent this paragraph contains legal conclusions no responsive pleading is required. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.
2. This paragraph contains legal conclusions regarding venue that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

Plaintiff

3. Admitted.

Defendants

4. Admitted to the extent that George Little was the former Secretary of the Department of Corrections. All other facts alleged in this paragraph are denied and strict proof is demanded.
5. Admitted that Jake Beach was an employee at SCI-Forest. All other facts alleged are denied and strict proof is demanded.
6. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

Facts

7. This paragraph is not directed to Answering Defendants and as such no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied and strict proof is demanded.
8. Admitted to the extent supported by the referenced exhibit.
9. Denied as stated. By way of further response, Plaintiff had notice of the rejection by the Mail Room no later than March 3, 2022.

Legal Argument

10. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

11. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

12. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

Grievance Procedure

13. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

Show Causation

14. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

15. This paragraph contains legal conclusions that require no responsive pleading. To the extent there are facts alleged against the Defendants, such facts are denied and strict proof is demanded.

Prayer for Relief

16. These paragraphs are conclusions of law and requests for relief to which no response is required. To the extent there are facts alleged against the Answering Defendants, such facts are denied and strict proof is demanded.

17. These paragraphs are conclusions of law and requests for relief to which no response is required. To the extent there are facts alleged against the Answering Defendants, such facts are denied and strict proof is demanded at trial.
18. These paragraphs are conclusions of law and requests for relief to which no response is required. To the extent there are facts alleged against the Answering Defendants, such facts are denied and strict proof is demanded at trial.
19. These paragraphs are conclusions of law and requests for relief to which no response is required. To the extent there are facts alleged against the Answering Defendants, such facts are denied and strict proof is demanded at trial.
20. These paragraphs are conclusions of law and requests for relief to which no response is required. To the extent there are facts alleged against the Answering Defendants, such facts are denied and strict proof is demanded at trial.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim on which relief may be granted.

SECOND DEFENSE

Plaintiff was not deprived of any rights under the United States Constitution.

THIRD DEFENSE

Plaintiff was not deprived of any rights under the Fourteenth Amendment.

FOURTH DEFENSE

At no time did Answering Defendants, either individually or in concert with others, deprive or sought to deprive the Plaintiff of any rights, privileges, or immunities secured to him by the Constitution or the laws of the United States.

FIFTH DEFENSE

Plaintiff failed to properly exhaust his remedies under the PLRA or has otherwise procedurally defaulted.

SIXTH DEFENSE

Plaintiff's claims are barred by the Eleventh Amendment to the United States Constitution.

SEVENTH DEFENSE

The Answering Defendants are entitled to all immunities and protections under the law, including sovereign immunity and qualified immunity.

EIGHTH DEFENSE

The Answering Defendants lack the necessary personal involvement required to support liability under 42 U.S.C. § 1983.

NINTH DEFENSE

Plaintiff's injuries or damages, if such injuries or damages occurred, were exclusively caused by circumstances beyond the Answering Defendants control, or the supervening acts of third parties over which Answering Defendants had no control.

TENTH DEFENSE

Answering Defendants acted reasonably at all times.

ELEVENTH DEFENSE

The Answering Defendants were at all times acting in good faith and in an objective, reasonable manner and did not violate any clearly established federal rights of

Plaintiff. Therefore, they are entitled to qualified immunity and/ or qualified immunity from civil damages.

TWELFTH DEFENSE

The Answering Defendants were at all times acting pursuant to duties required or authorized by statute or regulation and therefore said acts were within the discretion granted to Answering Defendants by statute or statutorily authorized by regulation.

THIRTEENTH DEFENSE

The Answering Defendants reserve any and all defenses set forth at Fed. R.Civ. P. 8(c)(1).

FOURTEENTH DEFENSE

The Answering Defendants reserve the right to amend this Answer to assert additional defenses which may become apparent during investigation or discovery.

A JURY TRIAL IS HEREBY DEMANDED

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

By: s/ Dalia A. Aboraya
DALIA A. ABORAYA
Deputy Attorney General
Attorney ID 328038

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Date: February 20, 2024

CERTIFICATE OF SERVICE

I, Dalia A. Aboraya, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on February 20, 2024, I caused to be served a true and correct copy of the foregoing document titled ANSWER TO AMENDED COMPLAINT [ECF 28] to the following:

VIA US MAIL

Smart Communications/PADOC¹
Derrick Butler, NZ-4224
SCI Forest
PO Box 33028
St. Petersburg, FL 33733
Pro Se Plaintiff

s/ Dalia A. Aboraya

DALIA A. ABORAYA
Deputy Attorney General

¹ Pursuant to a recent change to the Department of Corrections' mail procedures, all mail, except mail from an inmate's attorney or from a court, must be processed through the vendor listed.