



2008 Decisions

Opinions of the United
States Court of Appeals
for the Third Circuit

12-24-2008

Conklin v. Warrington

Follow this and additional works at: https://digitalcommons.law.villanova.edu/thirdcircuit_2008

Recommended Citation

"Conklin v. Warrington" (2008). *2008 Decisions*. 43.
https://digitalcommons.law.villanova.edu/thirdcircuit_2008/43

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2008 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4835

STEPHEN CONKLIN,
Appellant

v.

WARRINGTON TOWNSHIP, A Pennsylvania
Municipal Corporation Located in York
County Pennsylvania; WARRINGTON TOWNSHIP
ZONING BOARD; JOHN DOE

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 05-cv-01707)
District Judge: Honorable Christopher C. Conner

Submitted Pursuant to Third Circuit LAR 34.1(a)
on December 8, 2008
Before: MCKEE, SMITH AND ROTH, CIRCUIT JUDGES

(Opinion filed: December 24, 2008)

OPINION

McKee, J.

Stephen Conklin appeals the district court's grant of summary judgment in favor of all defendants on the action he brought pursuant to 42 U.S.C. § 1983. Conklin's attorney also appeals the district court's imposition of Rule 11 sanctions. For the reasons that follow, we will affirm.

Inasmuch as we are writing primarily for the parties who are familiar with this case, we need not set forth the factual or procedural background of this appeal except insofar as may be helpful to our brief discussion.

We have reviewed the thorough and thoughtful Memorandum of the district court dated November 30, 2007, in which the court explains its reasoning for granting summary judgment and dismissing the complaint. We have also reviewed the equally thoughtful and thorough Memorandum dated August 4, 2006, in which the district court explains its consideration of counsel's motion for recusal, the application of 28 U.S.C. § 455, and its reasons for imposing sanctions on counsel pursuant to Rule 11(b). We will affirm both orders substantially for the reasons set forth in those Memorandum Opinions.

This record clearly supports the court's conclusion that sanctions were appropriate because lesser sanctions "were clearly insufficient to curb Attorney Bailey's actions." App. 76. We pause only to note that, far from evidencing the bias that counsel attempted to establish, this record reflects that Hon. Christopher C. Conner acted with fairness and admirable patience and in presiding over this suit.