2023 Decisions

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

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# Craig Williams v. Larry Krasner

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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No. 22-2984

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CRAIG WILLIAMS, PARDP,
Appellant

v.

LARRY KRASNER,
District Attorney's Office Philadelphia City

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On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2:22-cv-01203)
District Judge: Honorable Jeffrey L. Schmehl

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on June 1, 2023

Before: SHWARTZ, BIBAS, and MONTGOMERY-REEVES, Circuit Judges

(Opinion filed: June 2, 2023)

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OPINION*

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PER CURIAM

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* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Craig Williams, a Pennsylvania inmate, appeals pro se from an order of the United States District Court for the Eastern District of Pennsylvania sua sponte dismissing his civil-rights complaint. For the following reasons, we will affirm the District Court's judgment in part, vacate in part, and remand this case for further proceedings.

In 1987, Williams was found guilty in the Philadelphia Court of Common Pleas of first-degree murder and sentenced to death. That sentence was later vacated and Williams was granted a new sentencing hearing, though his other postconviction claims were denied. See Commonwealth v. Williams, 980 A.2d 510, 513 & n.1 (Pa. 2009). In 2012, Williams was resentenced to life in prison.

In 2016, Williams filed a request with the Philadelphia District Attorney ("DA")'s Office under Pennsylvania's Right-to-Know Law ("RTKL"), see 65 Pa. Cons. Stat. §§ 67.101–67.3104, seeking, among other things, any pre-trial offers to plead guilty and the jury venire list from his trial. The DA's Office denied his request, concluding that the guilty plea and other documents fell within exceptions to the RTKL for criminal investigative records, and that the venire list was a judiciary record, so the DA's Office could not release it. Williams appealed that decision to the Pennsylvania Office of Open Records ("OOR"), which remanded a portion of his request, including for the guilty plea offer, to the DA's designated appeals officer for further consideration, then granted Williams access to the venire list and ordered the DA's Office to disclose it.

The DA appealed the OOR's decision regarding the venire list to the Court of Common Pleas. That court granted the DA's appeal, concluding both that Williams's appeal to the OOR had been untimely and that the OOR had lacked jurisdiction to order the release

of the venire list because it is a judicial record. See Phila. Dist. Att'y's Off. v. Williams, No. 1337 CD 2017, 2018 WL 3243135, at *2 (Pa. Ct. Com. Pl. June 5, 2018). Williams then appealed that decision to the Commonwealth Court, which quashed the appeal on the grounds that the order was not final or immediately appealable. See Phila. Dist. Att'y's Off. v. Williams, 207 A.3d 410, 414–15 (Pa. Commw. Ct. 2019).

Meanwhile, Williams continued his pursuit of the guilty plea offer on a separate track. He filed a facially untimely petition under Pennsylvania's Post-Conviction Relief Act ("PCRA") in November 2016.[1] He argued that his PCRA petition should be deemed timely because it was based on newly discovered facts, see 42 Pa. Cons. Stat. § 9545(b)(1)(ii), namely that the response to his RTKL request from the DA's Office confirmed the existence of a guilty plea offer that counsel never transmitted to him, which could form the basis of an ineffective-assistance claim. In denying relief, the state courts denied Williams's requests for discovery of the guilty plea offer and an evidentiary hearing because he had not made the required showing of "extraordinary circumstances." See Commonwealth v. Williams, No. 2415 EDA 2018, 2019 WL 6825169, at *3 (Pa. Super. Ct. Dec. 13, 2019) (citing Commonwealth v. Frey, 41 A.3d 605, 611 (Pa. Super. Ct. 2012); 42 Pa. Cons. Stat. § 9545(d)(2); Pa. R. Crim. P. 902(E)(1)).

Williams then filed the instant action pursuant to 42 U.S.C. § 1983, alleging that the various obstacles to his obtaining the records he sought violated his procedural due process

[1] Williams also filed a petition for writ of mandamus in state court directed at the DA's designated appeals officer, to whom his RTKL request regarding the guilty plea offer had been remanded. That petition was dismissed for failure to prosecute in June 2020. See Williams v. Phila. Dist. Att'y's Off., No. 373 MD 2017 (Pa. Commw. Ct. June 25, 2020).

rights. He sought a declaratory judgment that the relevant provisions of the RTKL, PCRA, and Pennsylvania Rules of Criminal Procedure are unconstitutional deprivations of due process, as well as an injunction ordering the DA to disclose the documents he sought. See Compl. 17, ECF No. 2.

The District Court denied Williams's motion to proceed in forma pauperis, so Williams paid his filing fee. The District Court then screened Williams's complaint pursuant to 28 U.S.C. § 1915A and dismissed it for failure to state a claim, concluding primarily that the claims were facially barred by the statute of limitations and that any direct challenge to the state courts' various rulings was barred by the Rooker-Feldman doctrine. Finally, the District Court denied leave to amend, concluding that it would be futile. This appeal followed.[2]

First, to the extent that Williams's complaint can be read to seek an order invalidating any state court decisions, we will affirm the District Court's decision to dismiss those claims for lack of jurisdiction under the Rooker-Feldman doctrine.[3] See Dist. Ct. Mem. 7–8, ECF No. 13; see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005) (emphasizing that the Rooker-Feldman doctrine's scope is confined to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review

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[2] We have jurisdiction under 28 U.S.C. § 1291. Our standard of review is de novo. See Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000).

[3] Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983).

and rejection of those judgments"). We agree with the District Court that, to the extent that Williams challenged the state courts' determination that his PCRA petition was untimely, including through an as-applied challenge to the constitutionality of the PCRA and Rule 902(E)(1), the Rooker-Feldman bars such claims. See Cooper v. Ramos, 704 F.3d 772, 780–81 (9th Cir. 2012); Alvarez v. Att'y Gen., 679 F.3d 1257, 1263–64 (11th Cir. 2012).

However, we agree with Williams that, to the extent he lodged a facial challenge to the constitutionality of the PCRA and Rule 902(E)(1), his claim is not barred by the Rooker-Feldman doctrine. See Skinner v. Switzer, 562 U.S. 521, 532–33 (2011) (holding that although a state court decision is not reviewable by lower federal courts, a statute or rule governing that decision may be challenged in an independent federal action).[4] Specifically, we conclude that the Rooker-Feldman doctrine poses no impediment to his independent claim that Rule of Criminal Procedure 902(E)(1), as authoritatively construed by the Pennsylvania courts in concert with § 9545(d)(2) of the PCRA, violated his due process rights by prohibiting discovery of material to support his otherwise untimely PCRA petition. See Williams, 2019 WL 6825169 at *3; see also Commonwealth v. Wharton, 263 A.3d 561, 573 (Pa. 2021) ("[A] PCRA court does not abuse its discretion in failing to find

[4] In Skinner, the Supreme Court held that the Rooker-Feldman doctrine did not bar a claim that Texas's DNA access statute, as construed by the Texas courts, was unconstitutional. Id. Skinner had sued a prosecutor, alleging that Texas's refusal to test DNA evidence "ha[d] deprived [him] of his liberty interests in utilizing state procedures to obtain reversal of his conviction and/or to obtain a pardon or reduction of his sentence." Skinner, 562 U.S. at 530. Williams similarly named the district attorney as the sole defendant and claimed that "Rule [902(E)(1)] deprived [him] of his liberty interests in utilizing State procedures to obtain reversal of [his] conviction, to use for pending commutation, and/or reduction of [his] sentence." Compl. 6, ¶ 22.

exceptional circumstances warranting discovery in furtherance of an untimely petition.”). Accordingly, to the extent that Williams lodged a facial challenge, like the plaintiff in Skinner, to the constitutionality of the PCRA and Rule 902(E)(1), that claim is not barred. But, to the extent that he claims that the statutes are unconstitutional specifically as applied to his case, that claim is barred.

Second, the District Court erred in sua sponte dismissing Williams's complaint as untimely. “The running of the statute of limitations is an affirmative defense. A complaint is subject to dismissal for failure to state a claim on statute of limitations grounds only when the statute of limitations defense is apparent on the face of the complaint.” Wisniewski v. Fisher, 857 F.3d 152, 157 (3d Cir. 2017) (cleaned up). The statute of limitations for § 1983 claims is governed by a mix of federal and state law: The law of the state where the cause of action arose provides the length of the limitations period and tolling principles. See Wallace v. Kato, 549 U.S. 384, 394 (2007) (“[In § 1983 suits, w]e have generally referred to state law for tolling rules, just as we have for the length of statutes of limitations.” (citations omitted)); Kach v. Hose, 589 F.3d 626, 634, 639 (3d Cir. 2009) (“[T]he statute of limitations for a § 1983 claim is governed by the personal injury tort law of the state where the cause of action arose.”). The applicable statute of limitations in Pennsylvania is two years. See 42 Pa. Cons. Stat. Ann. § 5524; Wisniewski, 857 F.3d at 157. But federal law determines when a claim accrues and the limitations period begins to run, which is “when the last act needed to complete the tort occurs.” See Nguyen v. Pennsylvania, 906 F.3d 271, 273 (3d Cir. 2018).

A procedural due process violation "is not complete when the deprivation occurs; it is not complete unless and until the State fails to provide due process." Alvin v. Suzuki, 227 F.3d 107, 116 (3d Cir. 2000) (quoting Zinermon v. Burch, 494 U.S. 113, 126 (1990)). If there is a process that apparently provides adequate procedural remedies, a plaintiff must avail himself of that process before bringing a procedural due process claim. See id.; see also Dist. Att'y's Off. for Third Jud. Dist. v. Osborne, 557 U.S. 52, 71 (2009) (explaining that a plaintiff's "burden to demonstrate the inadequacy of the state-law procedures available to him in state postconviction relief" is not a requirement to "exhaust state-law remedies").

Here, the District Court erred when it concluded that an affirmative defense based on the running of the statute of limitations was clear on the face of Williams's complaint. Williams first claimed that the provision of the RTKL that denies him access to criminal investigative records is unconstitutional. See Compl. ¶ 23 (citing 65 Pa. Cons. Stat. § 67.708(b)(16)). This exception for records "relating to or resulting in a criminal investigation" was invoked by the DA's Office in denying him access to, among other things, the record of any guilty plea offer. See Williams, 207 A.3d at 411–12. As the state courts noted, the DA's Office instructed Williams to appeal that decision to the DA's designated appeals officer, and that "[a]ny appeal from this decision on other grounds [including his request for the venire list, a judicial record] must be filed with the [OOR]," but Williams instead appealed the DA's entire decision to the OOR.[5] Id. at 412. The OOR remanded the portion

[5] Williams alleged in his complaint that he appealed both "to the [DA's] appeals officer[,] who[] never answered[,] and the [OOR]." Compl. ¶ 17.

of Williams's request dealing with the guilty plea offer to the designated appeals officer, then ruled that the DA had to disclose the venire list. But the state courts also determined that the latter ruling was taken in the absence of jurisdiction and remanded to the agency. Id. at 413. Williams's challenge to that jurisdictional ruling appears to have been frustrated by the lack of a final, appealable order, because of that outstanding remand to the agency. Id. at 414–15.

The District Court did not consider whether any of the procedural difficulties Williams encountered when attempting to appeal either affected the accrual date of the claim related to the RTKL or entitled him to equitable tolling of the statute of limitations. The District Court determined that all of Williams's claims accrued on August 23, 2016, when he received the DA's response denying his RTKL request. At screening, a district court should consider whether grounds for equitable tolling may exist before dismissing a complaint on timeliness grounds. See Fogle v. Pierson, 435 F.3d 1252, 1258–59 (10th Cir. 2006); cf. Wisniewski, 857 F.3d at 157–58. The Pennsylvania Supreme Court has "instructed that there are three principal, though not exclusive, situations in which equitable tolling may be appropriate: (1) where the defendant has actively misled the plaintiff respecting the plaintiff's cause of action; (2) where the plaintiff in some extraordinary way has been prevented from asserting his or her rights; or (3) where the plaintiff has timely asserted his or her rights mistakenly in the wrong forum." Nicole B. v. Sch. Dist. of Phila.,

237 A.3d 986, 996 (Pa. 2020) (citation omitted). Nothing in the District Court's opinion reflects that it considered whether equitable tolling may apply here.[6]

Moreover, Williams's other claims related to the PCRA and criminal procedure rules likely accrued on a different date. Williams filed a facially untimely PCRA petition in November 2016, alleging ineffectiveness of counsel for failure to transmit a guilty plea offer to him. See Williams, 2019 WL 6825169 at *1. He claimed that the DA's August 2016 response to his RTKL request confirmed the existence of such a plea offer,[7] so he moved the PCRA court to compel the DA's Office to provide the plea offer to him in discovery. See id. at *2. His claim that the hurdles imposed by the PCRA and procedural rules that prevented him from accessing documents or availing himself of the state's postconviction remedies were unconstitutional deprivations of due process, see Compl. ¶ 17, might not have accrued until the state appellate courts affirmed the denial of his PCRA petition

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[6] Also, the date when the agency eventually disposed of Williams's RTKL request on remand from the state courts would be relevant to the accrual of his due process claim, yet it does not appear in the record. The District Court noted that even if Williams's claim did not accrue until his appeal regarding the OOR decision "was ultimately quashed by the Pennsylvania Commonwealth Court on February 8, 2019, see [Williams], 207 A.3d at 411, his claims would still be untimely because his Complaint was not filed within two years." Mem. 7 n.4. But the quashing of that appeal merely restarted the agency procedure on remand, the conclusion of which is a necessary component to the accrual of a procedural due process claim. See Suzuki, 227 F.3d at 116.

[7] The relevant language from the DA's response was:

> The guilty plea offer, witness statements, venire list, voir dire notes, and weapon item receipt that Appellant seeks all relate to a criminal investigation. . . .
>
> The guilty plea offer and witness statements that Appellant seeks contain information assembled as a result of the performance of an inquiry into a criminal incident . . . .

Williams, 2019 WL 6825169 at *1 n.5. The state court concluded that these "vague references" did not confirm or deny the existence of a guilty plea offer. See id. at *3.

and associated evidentiary rulings, see Reed v. Goertz, 598 U.S. ---, 143 S. Ct. 955, 961 (2023) (citing Zinermon, 494 U.S. at 125–26). Williams argues that he could respond to a statute of limitations defense by asserting that this claim accrued when the Pennsylvania Supreme Court denied allowance of appeal on September 1, 2020, see Commonwealth v. Williams, 238 A.3d 339 (Pa. 2020) (unpublished table decision), rendering his claim timely when filed in March 2022.

For these reasons, the District Court erred in dismissing Williams's complaint sua sponte based on the statute of limitations. See Phillips v. Cnty. of Allegheny, 515 F.3d 224, 236 (3d Cir. 2008). Accordingly, we will affirm the District Court's judgment in part, vacate in part, and remand this matter for further proceedings consistent with this opinion. We express no view on the merits of Williams's claims.