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5-21-2009

## Konota Gaskins v. Rick Santorum

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 08-4522

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KONOTA GASKINS,  
a individual and former Member of  
Third East Hills Park Inc.,  
Appellant

v.

RICK SANTORUM, Former United States Senator; RANDY VULAKOVICH; OFFICE OF ATTORNEY GENERAL COMMONWEALTH OF PENNSYLVANIA WESTERN REGIONAL OFFICE, MANOR COMPLEX; REV. EUGENE BEARD; US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SECRETARY ALPHONSO JACKSON, (HUD); DIANA DECKER-GRAY; LILLIE WALKER; HANSON DESIGN GROUP, LTD.; HENRY HANSON; URA; DIRECTOR THOMAS CUMMINGS; JEROME N. DETTORE; COLETTE O'LEARY; BETSY PUGH; ("TELESIS"); THIRD EAST HILLS LIMITED PARTNERSHIP; OWNER MARYLAND MELKOWIAN; PARTNER FRANK WIN; MARK ABELSON; NEIGHBORHOOD PARTNERS LLC; THE GROUP CT MANAGEMENT, INC.; FRED KILLIAN; CHERYL MAHALIC-WYNN, acting Manager for Second East Hills and, Third East Hills Partnership; DORNISH & SCOLIERI P.C.; DANA J. RICHERSON; EAST HILLS RESTORATION INITIATIVE, et. al AND; FORMER PRESIDENT: CLAUDIA M. WELLS; PRESIDENT: MONIQUE SHORTER; MANCHESTER BIDWELL CORPORATION; BILL STRICKLAND; JIM REID; MCKEESPORT YMCA; DEXTER HAIRSTON MENTAL HEALTH SPECIALIST; JUNE ESSER; MENTORING PARTNERSHIP OF SOUTH WESTERN PA; TIMOTHY G. BAUGHMAN; PENNSYLVANIA GAMING CONTROL BOARD, RETIRED FBI SPECIAL AGENT IN CHARGE KEN MCCABE; PENNSYLVANIA HOUSING FINANCE AGENCY; BRENDA WELLS; PENNSYLVANIA NATIONAL GUARD COUNTERDRUG PROGRAM; STAFF SERGEANT P. JEFFREY BERGAMASCO; TROOPER ROBIN MUNGO; PITTSBURGH BUREAU OF POLICE ZONE 5; COMMANDER PHILIP DACEY; OFFICER MICHAEL GAY; PITTSBURGH GATEWAYS CORPORATION; STEVE RADI; ROBERT MEEDER; PITTSBURGH SOCCER IN THE COMMUNITY; JAMES MEARA; MARK J. TAYLOR; PORT AUTHORITY OF ALLEGHENY COUNTY, POLICE

DEPARTMENT; NELSON MITCHELL; CURTIS BOYD; REDEVELOPMENT  
AUTHORITY OF NEW KENSINGTON; KIMBERLY A. MCAFOOSE; SAFETY  
KIDS INC.; DIANE L. BROWN; URBAN LEAGUE OF PITTSBURGH; LEE HIPPS;  
DEBRA TUCKER; ODELL ROBINSON; ALVIN COBBINS; PETRA  
INTERNATIONAL MINISTRIES, OPERATION NEHEMIAH AND IMANA  
STUDENT ACADEMY; ACTION HOUSING INC.; LARRY SWANSON; MELANA  
MEARS; ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC  
DEVELOPMENT; MICHAEL MCMUN; RICHARD A. RANII; ALLEGHENY  
COUNTY HEALTH DEPARTMENT; EDWARD SCHWARTZ; ALLEGHENY  
COUNTY DEPARTMENT OF HUMAN SERVICE; RUTH J. HOWZE; CHILDRENS  
HOSPITAL; DAYNA JORNSAY HESTER; ALLEGHENY COUNTY HOUSING  
AUTHORITY POLICE; MICHAEL J. VOGEL; ALLEGHENY COUNTY SHERIFF'S  
OFFICE; STACEY HAINES; ALLE-KISKI AREA HOPE CENTER; PAT ZIRINGER;  
CATY DUTKO; ASPECT CONSULTING/SURE TALK/6 DEGREES CONSULTING;  
TOM DICKERSON; BOB LAWSON; BLUEROOF TECHNOLOGIES; JOHN G.  
BERTOTY; BOY AND GIRLS CLUBS OF WESTERN PENNSYLVANIA; BUREAU  
OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES; LOUIS J WEIERS;  
COMMUNITY RESECH CORPORATION; TONY HALLETT; FEDERAL BUREAU  
OF INVESTIGATION; BILL SHORE; LILLIE LEONARDI; JERUSALEM BAPTIST  
CHURCH; REVEREND MILLIE JOHNSON; VICTORY SECURITY; CURTIS JONE,  
JR.; WESTMORELAND COUNTY JUVENILE PROBATION OFFICE; MAJORIE  
BING STANISLAW; WILKINSBURGH CHAMBER OF COMMERCE; VALERIE  
TIERNO; WOMEN IN THE HOUSE; LISA SLAYTON; THE, BOARD OF PUBLIC  
EDUCATION; RICHARD FELLERS, OPERATION'S MANAGER & SECRETARY;  
BOARD OF DIRECTORS HEATHER ARNER; MARK BRENTLEY; THERESA  
COLAIZZI; JEAN FINK; SHERRY HAZUDA; WILLIAM ISLER; FLYOD MCCREA;  
THOMAS SUMPTER; RANDALL TAYLOR; SUPERINTENDENT MARK  
ROOSEVELT

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No. 2-08-cv-01499)  
District Judge: Honorable Gary L. Lancaster

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Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)  
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6  
April 23, 2009

Before: SLOVITER, FUENTES and JORDAN, Circuit Judges

(Opinion filed: May 21, 2009)

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OPINION

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PER CURIAM

Konota Gaskins, pro se, appeals from the District Court's order dismissing his complaint under 28 U.S.C. § 1915(e)(2)(B) as frivolous and for failure to state a claim upon which relief could be granted. The District Court also denied Gaskins' motion for reconsideration. Gaskins filed a timely notice of appeal. We have appellate jurisdiction over this appeal under 28 U.S.C. § 1291, and review it for possible dismissal under 28 U.S.C. § 1915(e)(2)(B). An appeal must be dismissed under 28 U.S.C. § 1915(e)(2)(B) if it has no arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989).

After reviewing the complaint, we determine that Gaskins' appeal is lacking in arguable legal merit, and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B). Gaskins appeared to allege the existence of a massive conspiracy of corruption involving the defendants and a redevelopment project in the East Hills section of Pittsburgh, Pennsylvania. Even construing Gaskins' pro se appeal liberally and in a light favorable to him, we are unable to divine any viable claims or grounds for relief. See ALA, Inc. v. CCAIR, Inc., 29 F.3d 855, 859 (3d Cir. 1994). Gaskins appears to invoke the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 ("RICO"), ethnic intimidation under 18 Pa. Const. Stat. § 2710, and 42 U.S.C. § 1983. However, it is not sufficient "to allege mere elements of a cause of action; instead 'a complaint must allege

facts suggestive of [the proscribed] conduct.” Phillips v. County of Allegheny, 515 F.3d 224, 233 (3d Cir. 2008) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 588 n.8 (2007)). Gaskins’ complaint contains neither elements of a cause of action nor facts that identify proscribed conduct. Gaskins’ motion for the appointment of counsel is denied as moot.