

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-4347

ANCELL HAMM,
Appellant

v.

EDWARD G. RENDELL, Governor; TOM CORBETT, Attorney General; HARRY WILSON, SCI-Fayette Superintendent; JEFFREY BEARD, Secretary of Corrections; S.L. NOSE, Lieutenant of Security at SCI-Fayette; LT. HOOPER security Office at SCI-Fayette; RHONDA HOUSE, Facility Grievance Coordinator at SCI-Fayette; SUMMER DUGAN, Counselor at SCI-Fayette; BRADLEY NEWTON, Unit Manager SCI-Fayette; TUGGLE, B-Block Unit Manager at SCI-Fayette; DARLENE LINDERMAN, Mail Room Supervisor, SCI-Fayette; BRIAN A. COLEMAN, Superintendent at SCI Fayette, Institution; L. T. PEER, Security Office at SCI Fayette, Institution; CO-I LYNN, Corrections Officer, SCI Fayette, Institution; CO-I C.A. DATIZ, Corrections Officer SCI Fayette, Institution.

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 08-cv-00442)
District Judge: Honorable Gary L. Lancaster

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 9, 2010

Before: SLOVITER, CHAGARES and WEIS, Circuit Judges
Opinion filed: April 15, 2010

OPINION

PER CURIAM.

Ancell Hamm appeals the District Court's order granting appellees' motion for summary judgment. For the reasons below, we will affirm.

The procedural history of this case and the details of Hamm's claims are well known to the parties, set forth in the District Court's thorough opinion, and need not be discussed at length. Briefly, Hamm argued in his complaint that he was being subjected to involuntary servitude because he was incarcerated without being duly convicted of a crime. The Magistrate Judge recommended that summary judgment be granted in favor of the appellees. The District Court adopted the Report & Recommendation and entered judgment against Hamm. Hamm filed a timely notice of appeal, and we have jurisdiction under 28 U.S.C. § 1291.

Hamm argues in his brief that he has not been duly convicted of a crime. His argument is without merit. He contends that his convictions were vacated by the state court. See Commonwealth v. Hamm, 378 A.2d 1219 (Pa. 1977). However, he ignores the fact that his life sentences for two counts of first-degree murder were reimposed on remand and affirmed by the Pennsylvania Supreme Court. Commonwealth v. Hamm, 425 A.2d 744 (1981).

Accordingly, we will affirm the District Court's October 30, 2009, judgment. Appellant's motion for a temporary restraining order is denied.