

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

RALPH ADELPHIN	:	CIVIL ACTION
	:	
v.	:	
	:	
DETECTIVE GABRIEL CAMACHO and	:	NO. 98-6299
CITY OF CAMDEN	:	

**MEMORANDUM AND ORDER**

YOHN, J. May ,1999

Plaintiff Ralph Adelphin is suing Detective Gabriel Camacho and the City of Camden under 42 U.S.C. § 1983 for violation of his First, Fourth, and Fourteenth Amendment rights. The suit is based on plaintiff's allegedly unlawful arrest and incarceration on charges of armed robbery. Pending before the court is defendants' motion to dismiss for lack of personal jurisdiction and improper venue pursuant to Federal Rules of Civil Procedure 12(b)(2) and (3). The court finds that the defendants are subject to personal jurisdiction in the Eastern District of Pennsylvania and venue is proper in this forum. Accordingly, defendants' motion will be denied.

**BACKGROUND**

Accepting as true plaintiff's characterizations of the events upon which this action is based, on July 22, 1998, two men wielding guns held up an Amoco Gas Station on Admiral Wilson Boulevard in Camden, New Jersey. See Complaint ¶¶ 5, 10. On August 5, 1998, Camden City Police Detective Camacho informed the Pennsylvania State Police in Delaware County that an arrest warrant had been issued for Ralph Adelphin in connection with the armed

robbery of the gas station. See Pennsylvania Crim. Complaint attached to Pl.’s Answer to Defs.’ Mot. to Dismiss (“Pl.’s Resp.”). Camacho also informed the Pennsylvania State Police that the Camden County Prosecutors Office would be extraditing Adelphin following his arrest. See id. Camacho then faxed a copy of the arrest warrant to the Pennsylvania State Police. See id.

That same day, pursuant to the arrest warrant, Pennsylvania State Police arrested plaintiff at the State Correctional Institution in Delaware County, Pennsylvania where he worked as a correctional officer. See id.; Complaint ¶ 24. Adelphin was held on \$150,000 bail in Pennsylvania until late August 1998.<sup>1</sup> See Pl.’s Resp. at 2; Extradition Order signed Aug. 20, 1998. Following his extradition to New Jersey, plaintiff remained in police custody until after his bail hearing on September 3, 1998. See Complaint ¶¶ 27, 33. On September 29, 1998, the prosecutor’s office dismissed all charges against plaintiff. See id. ¶ 28.

Adelphin claims that Detective Camacho deliberately made false statements and omitted exculpatory information in his affidavit of probable cause to arrest. See id. ¶ 25. As a result of these false statements and omissions, plaintiff contends that he was arrested without probable cause and unlawfully confined in jail for almost a month. See id. ¶ 40. Additionally, Adelphin alleges that, because of his arrest, he was suspended without pay from his job and has had to overcome the stigma of being labeled a bank robber. See id. ¶ 29, 35-37. In their motion to dismiss, defendants argue that the court lacks personal jurisdiction over them and that venue is improper in the Eastern District of Pennsylvania. Defs.’s Mot. to Dismiss at 2-3.

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<sup>1</sup> Plaintiff alleges that he was in Pennsylvania custody until August 24. See Pl.’s Response at 2. The only competent evidence before the court on this issue, however, is the extradition order, which shows only that plaintiff was still in Pennsylvania on August 20.

## STANDARD OF REVIEW

Once a defendant has raised a jurisdictional defense, the burden shifts to the plaintiff to prove that the relevant jurisdictional requirements are met. See Mellon Bank (East) PSFS v. Farino, 960 F.2d 1217, 1223 (3d Cir. 1992); Gehling v. St. George's Sch. of Medicine, Ltd., 773 F.2d 539, 542 (3d Cir. 1985). The plaintiff must support this burden through “sworn affidavits or other competent evidence.” North Penn Gas Co. v. Corning Natural Gas Corp., 897 F.2d 687, 689 (3d Cir.), cert. denied, 498 U.S. 847 (1990) (citations omitted). Where the complaint and affidavits are relied upon to satisfy its burden, the plaintiff succeeds by making a prima facie showing that jurisdiction exists. See Friedman v. Israel Labour Party, 957 F. Supp. 701, 706 (E.D. Pa. 1997). “Factual discrepancies created by affidavits are generally resolved in favor of the non-moving party.” Id.; see also Carteret Savings Bank v. Shushan, 954 F.2d 141, 142 n. 1 (3d Cir.), cert. denied, 506 U.S. 817 (1992).

## DISCUSSION

### I. Personal Jurisdiction

A federal court's personal jurisdiction over a nonresident of the state in which it sits is controlled by the laws of that state. See Fed. R. Civ. P. 4 (e). If the long-arm jurisdictional statute of its forum state permits a court to exercise personal jurisdiction, the court must next determine whether the due process limits the exercise of jurisdiction. See International Shoe v. Washington, 326 U.S. 310, 316 (1945); Fraley v. Chesapeake & Ohio Ry. Co., 397 F.2d 1, 3 (3d Cir. 1968) (stating that due process analysis applied in diversity jurisdiction cases also is applicable in non-diversity cases); Modern Mailers, Inc. v. Johnson & Quin, Inc., 844 F. Supp. 1048, 1051 (E.D. Pa. 1994) (noting that Fifth Amendment due process clause limits state long-

arm statute in federal question cases in same manner that Fourteenth Amendment applies in diversity actions).

Personal jurisdiction may be either specific or general. Specific jurisdiction is present when the cause of action arises from the defendant's forum-related activities; while general jurisdiction is present when the defendant engages in such "continuous and systematic" contacts with the forum state that jurisdiction exists for all causes of action against that defendant, even for claims which do not arise from the defendant's forum related activities. See Helicopteros Nacionales de Columbia, S.A. v. Hall, 466 U.S. 408, 414 n. 8-9 (1984)

Pennsylvania's long-arm statute allows a court to exercise both general and specific jurisdiction over a person, see 42 Pa. Cons. Stat. Ann. §§ 5301, 5322 (a) (West 1981 & Supp. 1998), "to the fullest extent allowed under the Constitution of the United States and may be based on the most minimum contact with this Commonwealth allowed under the Constitution of the United States." Title 42, § 5322(b). Thus, the reach of the Pennsylvania statute is coextensive with the due process clause of the United States Constitution. See Time Share Vacation Club v. Atlantic Resorts, Ltd., 735 F.2d 61, 63 (3d Cir. 1984).

Under the Supreme Court's due process analysis, the court may only exercise jurisdiction over the defendants if they had "certain minimum contacts with [Pennsylvania] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). The Supreme Court has held that the required minimum contacts exist where a defendant has purposely directed his activities to residents of the forum, to the extent that he should reasonably expect to be haled into a court in the forum as a result of his actions.

See Burger King Corp. v. Rudzewicz, 471 U.S. 462, 474-76 (1985); World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 297 (1980). Where general jurisdiction is alleged such that “the claim pursued arises from non-forum related activity, the plaintiff must demonstrate that in other respects the defendant has maintained ‘continuous and substantial’ forum affiliations” by means of ‘extensive and persuasive’ facts -- a higher threshold than is necessary to demonstrate minimum contacts for specific jurisdiction. Reliance Steel Prods. Co. v. Watson, Ess, Marshall & Enggas, 675 F.2d 587, 588-89 (3d Cir. 1982) (quoting International Shoe, 326 U.S. 310 (1945) and Compagnie des Bauxites de Guinea v. Insurance Co. of North America, 651 F.2d 877, 890 (3d Cir.), cert. denied, 454 U.S. 963 (1981)).

In a case involving circumstances very similar to those alleged here, the court held that a New Jersey police department and patrolman were subject to personal jurisdiction in the Eastern District of Pennsylvania. See Lohman v. Township of Oxford, No. 91-7037, 1992 WL 95914, \*1 (E.D. Pa. April 22, 1992). In that case, New Jersey authorities had issued an arrest warrant and fugitive warrant for the plaintiff, Robert Lohman. See id. at \*1. The defendant patrolman and police department directed the information to police in Pennsylvania who arrested plaintiff and held him for thirty-six days before he was released and the charges dropped. See id. at \*1. Lohman brought suit in the Eastern District of Pennsylvania and the defendants sought to dismiss it on, inter alia, personal jurisdiction and venue grounds. See id.

The court in Lohman found that the defendants met minimum contact requirements of due process and the Pennsylvania long-arm statute for both specific and general jurisdiction. See id. at \*3. With regard to specific jurisdiction, the court held that directing the fugitive warrant to the Pennsylvania authorities with the intent that Pennsylvania State Police arrest Lohman, and

plaintiff's actual arrest in Pennsylvania were forum related activities out of which plaintiff's various claims arose. See id. Because defendants had reached into Pennsylvania and "purposely availed themselves of the services of the Pennsylvania legal system," the court also found that they could in turn "reasonably expect to be hailed into a Pennsylvania court." Id. Under a general jurisdiction analysis, the Lohman court found that "Defendants' contacts with this forum were substantial and continuing in the sense that the Defendants had established a relationship with the Pennsylvania authorities during the arrest, detention, and release of Plaintiff." Id. Consequently, the court refused to dismiss the case for lack of personal jurisdiction.

Like the plaintiff in Lohman, Adelphin also has demonstrated that, under the alleged circumstances, specific jurisdiction applies and that the minimum contact requirements have been met.<sup>2</sup> First, defendants purposely directed their activities toward this forum using Pennsylvania's legal system and law enforcement agents to secure plaintiff's arrest for the City of Camden-- Camacho contacted the Pennsylvania State Police and then faxed the arrest warrant with the intent that Pennsylvania authorities would arrest and detain plaintiff until Camden County prosecutors could extradite him to New Jersey. See Pl.'s Response, Pennsylvania Crim. Complaint. Second, plaintiff's claims clearly arise out of these forum related activities -- plaintiff contends that the arrest warrant sent to the Pennsylvania State Police was deficient and the resulting arrest and incarceration occurred without probable cause. Finally, it is clear that a substantial part of the harm alleged by plaintiff (i.e. his unlawful arrest and a significant part of

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<sup>2</sup>The parties do not indicate the precise relationship between the defendants nor raise any issues relating thereto. Thus, for purposes of the following personal jurisdiction analysis, the court assumes that Detective Camacho is an employee of the City of Camden and that, in this case, the court's power to exercise jurisdiction over the employee extends equally to his employer.

his total incarceration) occurred in this forum at the instigation of the New Jersey defendants. Having caused the arrest of plaintiff in Pennsylvania, defendants should not now be surprised to find themselves before a court in this district to defend against plaintiff's challenge to the legality of that arrest.

In light of the foregoing, the court finds that defendants have engaged in the minimum contacts with this forum necessary to subject themselves to specific personal jurisdiction in the Eastern District of Pennsylvania.<sup>3</sup>

## **2. Venue**

Under 28 U.S.C. § 1391(b), a plaintiff may bring a case “not founded solely on diversity of citizenship,” such as the instant case, in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.” As noted above, plaintiff was arrested and incarcerated for at least fifteen days in Pennsylvania. Thus, a significant part of the unlawful events alleged occurred in this forum. Consequently, venue is appropriate here under § 1391(b)(2).

Because the court concludes that defendants are subject to personal jurisdiction and venue is proper in the Eastern District of Pennsylvania, their motion to dismiss will be denied. An appropriate order follows.

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<sup>3</sup> The communication and contact between Pennsylvania authorities and defendants that occurred in order to carry out the arrest, detention, and subsequent extradition of Adelphin may even have been “continuous and systematic” during the period in question. Arguably, then, Detective Camacho and the City of Camden also have engaged in the minimum contacts necessary to establish a basis for general jurisdiction within this forum. See Lohman, 1992 WL 95914 at \*3.

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**ORDER**

AND NOW, this        day of May 1999, upon consideration of defendants' motion to dismiss and plaintiff's response thereto, IT IS HEREBY ORDERED that the motion to dismiss is DENIED.

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William H. Yohn, Jr., J.