

IRS time 4 letters documents for Eugene release (remove all words in red before sending)

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA

Or

IN THE SUPERIOR COURT OF PENNSYLVANIA (if appealing higher)

IN RE:

EUGENE PANG,

Petitioner,

v.

WARDEN, BERKS COUNTY PRISON,

Respondent.

Docket No: CP-06-MD-0001795-2025

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO ARTICLE I, SECTION 14 OF THE PENNSYLVANIA CONSTITUTION

AND THE UNITED STATES CONSTITUTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Eugene Pang, pro se, and respectfully petitions this Court for an Emergency Writ of Habeas Corpus and in support thereof avers as follows:

1. I, Eugene Pang, am the Petitioner in this matter, currently confined at Berks County Prison pursuant to an order of the Court of Common Pleas of Berks County, issued on or about July 16, 2025, in the above-captioned matter.
2. I am being held under a sentence of 60 days (minimum) to 60 months (maximum) for an alleged violation of 42 Pa. C.S. § 4132(3), for "misbehavior of any person in the presence of the court."
3. I was not afforded the effective assistance of counsel at any stage prior to my incarceration, in violation of my rights guaranteed under the Sixth Amendment to the U.S. Constitution and Article I, Section 9 of the Pennsylvania Constitution.
4. I was not permitted to confront or cross-examine the judicial officer who accused and adjudicated me in contempt, which violates the Confrontation Clause of the Sixth Amendment and my procedural due process rights.
5. I filed timely Motions to Reconsider the penalty and bond imposed, which remain unheard and unresolved due to the assigned judge, Eleni Dimitriou Geishauser, being on vacation.
6. My continued incarceration without a ruling on my motions for reconsideration amounts to a denial of access to the courts and due process under the Fifth and Fourteenth Amendments to the U.S. Constitution and corresponding provisions of the Pennsylvania Constitution.

7. I have not waived any of my constitutional rights, and no emergency circumstances justify my continued detention under color of judicial authority without lawful process.

8. The United States Supreme Court has held that no person may be incarcerated without the opportunity to be represented by counsel (*Gideon v. Wainwright*, 372 U.S. 335 (1963); *Argersinger v. Hamlin*, 407 U.S. 25 (1972)).

9. In *re Oliver*, 333 U.S. 257 (1948) further holds that secret or summary contempt proceedings without confrontation or counsel are unconstitutional.

10. My detention is therefore unlawful, and I request immediate relief via writ of habeas corpus to restore my liberty or, in the alternative, to be granted a prompt evidentiary hearing with counsel present and a ruling on my pending motions.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Issue an Order to Show Cause directed to the Warden of Berks County Prison as to why Petitioner is being lawfully held;
- B. Schedule an emergency hearing on this Petition;
- C. Grant Petitioner's immediate release, or in the alternative,
- D. Order reconsideration of sentence and bond by a neutral judicial officer with assistance of counsel guaranteed; and
- E. Grant any other relief this Court deems just and proper.

Respectfully submitted,  
August 4, 2025

/s/ Eugene Pang  
Eugene Pang, Pro Se  
Berks County Prison  
[Inmate Number or Booking # if available]  
[Address or Housing Unit]  
Reading, PA

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

EUGENE PANG,  
Plaintiff,

v.

JUDGE ELENI D. GEISHAUSER, in her official capacity only,  
JOHN/JANE DOE, Warden of Berks County Prison,

JOHN/JANE DOE, Clerk or Administrator of Berks County Court,  
Defendants.

Civil Action No: \_\_\_\_\_

Jury Trial Demanded

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
PURSUANT TO 42 U.S.C. § 1983

Plaintiff Eugene Pang, acting pro se, respectfully states:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343, as this action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983.

2. Venue is proper in this District under 28 U.S.C. § 1391(b), as all defendants are located in this District and all events occurred in Berks County, Pennsylvania.

II. PARTIES

3. Plaintiff Eugene Pang is a natural person and resident of Pennsylvania, currently incarcerated at Berks County Prison following a state contempt conviction.

4. Defendant Judge Eleni D. Geishauser is a judge of the Court of Common Pleas of Berks County and is sued in her official capacity only for prospective injunctive and declaratory relief.

5. Defendant John/Jane Doe is the Warden of Berks County Prison and is responsible for Plaintiff's physical custody.

6. Defendant John/Jane Doe Clerk/Administrator is responsible for docketing and administration of judicial functions and played a role in denying Plaintiff access to relief by failing to address motions to reconsider.

III. FACTUAL ALLEGATIONS

7. On or about July 16, 2025, Plaintiff was adjudicated in contempt by Judge Geishauser under 42 Pa.C.S. § 4132(3) for alleged misbehavior in court.

8. Plaintiff was sentenced to 60 days to 60 months imprisonment and immediately remanded to Berks County Prison without being provided court-appointed counsel or the ability to defend himself with assistance of an attorney.

9. Plaintiff was not permitted to confront or cross-examine the judicial officer who accused him of contempt, in violation of his Sixth Amendment rights.

10. Plaintiff filed motions to reconsider the penalty and bond, which were not heard or ruled on because Judge Geishauser subsequently left for vacation and no alternate judicial officer was assigned to review the matter.

11. As of the filing of this complaint, Plaintiff remains incarcerated without resolution of the pending motions to reconsider, constituting unlawful and prolonged detention.

12. At no time was Plaintiff afforded a full and fair hearing with counsel before being incarcerated.

13. Defendants, acting under color of state law, have violated Plaintiff's clearly established constitutional rights.

#### IV. CLAIMS FOR RELIEF

Count I – 42 U.S.C. § 1983 – Denial of Counsel (Sixth Amendment)

14. Plaintiff repeats and realleges the foregoing as if set forth fully herein.

15. By imprisoning Plaintiff without affording the assistance of counsel, Defendants violated Plaintiff's rights under the Sixth Amendment to the United States Constitution, as incorporated by the Fourteenth Amendment.

16. *Gideon v. Wainwright*, 372 U.S. 335 (1963) and *Argersinger v. Hamlin*, 407 U.S. 25 (1972) prohibit imprisonment without counsel.

Count II – 42 U.S.C. § 1983 – Denial of Due Process (5th and 14th Amendments)

17. Plaintiff was denied notice and a meaningful opportunity to be heard by a neutral judge in a timely manner on his motions to reconsider.

18. By incarcerating Plaintiff without review of the penalty or bond due to judicial inaction or administrative failure, Defendants violated Plaintiff's due process rights under the 5th and 14th Amendments.

Count III – 42 U.S.C. § 1983 – Unlawful Detention / False Imprisonment

19. The continued detention of Plaintiff without judicial review of reconsideration motions and in the absence of lawful process violates clearly established rights and constitutes unlawful imprisonment under color of law.

20. Plaintiff's liberty is unlawfully restrained in violation of the Constitution and 42 U.S.C. § 1983.

#### V. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Issue a declaratory judgment that the conduct of Defendants violated Plaintiff's constitutional rights;
- B. Order Plaintiff's immediate release or direct appropriate habeas-related relief under 28 U.S.C. § 2241;
- C. Award compensatory damages in the amount of \$250,000 for unlawful detention and emotional distress;
- D. Award punitive damages against the Warden and Clerk/Administrator in their official capacities;
- E. Award costs of this action, including legal filing fees and service;
- F. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: August 4, 2025

/s/ Eugene Pang  
Eugene Pang, Pro Se  
Berks County Prison  
[Inmate Number or Cell if applicable]  
Reading, PA 19601

You can submit it online at: <https://www.jcbpa.org/complaint-process/>

Or by mailing it to:

Judicial Conduct Board of Pennsylvania

P.O. Box 62525

Harrisburg, PA 17106-2525

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Judicial Conduct Complaint

Submitted by: Eugene Pang (Pro Se)

Date: August 4, 2025

Your Full Name: Eugene Pang

Your Address: [Insert mailing address or "Berks County Prison, Reading, PA"]

Phone: [Insert if applicable]

Email: [Optional]

Judge's Name: Hon. Eleni Dimitriou Geishauser

Court: Court of Common Pleas of Berks County

Location: Reading, Pennsylvania

1. Describe what the judge did that you believe was misconduct.

On or about July 16, 2025, Judge Eleni Geishauser held me in contempt under 42 Pa.C.S. § 4132(3) and sentenced me to a term of 60 days to 60 months in Berks County Prison. I was never offered court-appointed counsel before or during this proceeding, and I was not afforded an opportunity to defend myself or confront the allegations in open court.

Immediately after sentencing me to jail, Judge Geishauser departed for vacation. This resulted in my timely Motions to Reconsider Penalty and Bond being ignored and left unaddressed, despite my ongoing confinement. I remain incarcerated at the time of this complaint without a fair hearing or legal review of my motions.

Her failure to ensure proper judicial review of my reconsideration motions before departing, and sentencing me without legal representation, demonstrates willful misconduct and egregious indifference to constitutional due process and Sixth Amendment rights.

This violates the Pennsylvania Code of Judicial Conduct, including but not limited to:

Canon 1: A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary.

Canon 2: A judge shall perform the duties of judicial office impartially, competently, and diligently.

Canon 2, Rule 2.5(A): A judge shall perform judicial and administrative duties competently and diligently.

Canon 2, Rule 2.6(A): A judge shall accord to every person the right to be heard according to law.

2. When and where did this happen?

Contempt adjudication: July 16, 2025

Confinement began: July 17, 2025  
As of August 4, 2025, motions still have not been reviewed.  
Berks County Courthouse, Reading, PA

3. Have you complained about this to anyone else?

Yes – I have filed an Emergency Petition for Writ of Habeas Corpus and a federal § 1983 Civil Rights Complaint.

4. What action would you like the Judicial Conduct Board to take?

I request that the Board investigate Judge Geishauser's conduct, determine whether her actions constitute judicial misconduct, and take any disciplinary action necessary to preserve the integrity and accountability of the judiciary. I further request a public record of findings and, if applicable, a formal sanction.

Respectfully submitted,  
/s/ Eugene Pang  
Berks County Prison  
Reading, PA  
[Add booking number or address if known]

Clerk of the Court  
Court of Common Pleas of Berks County  
633 Court Street  
Reading, PA 19601

Date: August 4, 2025

Re: Demand for Immediate Judicial Ruling on Pending Motion to Reconsider  
Case Name: Commonwealth v. Eugene Pang  
Docket No.: CP-06-MD-0001795-2025

Dear Clerk of Court:

I, Eugene Pang, write to formally request and demand immediate judicial review and disposition of my Motion(s) to Reconsider the sentence and/or bond entered in the above-captioned case.

As of the date of this letter, I remain incarcerated at Berks County Prison pursuant to a contempt order entered by Judge Eleni Dimitriou Geishauser on July 16, 2025. I filed a Motion to Reconsider the penalty and/or bond shortly thereafter. However, I have been informed that the assigned judge is currently on vacation and no ruling has been issued.

This delay in addressing my pending motion constitutes an unlawful denial of access to the courts and violates my constitutional rights under the Pennsylvania and United States Constitutions, including:

The right to due process (U.S. Const. Amend. V & XIV; Pa. Const. Art. I, § 9);

The right to access the courts in a timely and meaningful manner; and

The right to counsel and review of confinement (U.S. Const. Amend. VI).

I request that the court immediately:

1. Assign a substitute judicial officer to rule on the pending motion(s), or
2. Schedule an emergency hearing to allow proper review with representation, and
3. File this letter on the docket as a formal request for judicial action.

Failure to act on this matter exacerbates the unconstitutional deprivation of liberty that I am currently suffering. If this matter is not promptly addressed, I reserve the right to escalate this issue to supervising courts, oversight agencies, and federal authorities.

Thank you for your immediate attention to this serious matter.

Respectfully,

/s/ Eugene Pang

Eugene Pang, Pro Se

Berks County Prison

[Include Booking ID or Housing Unit if available]

Reading, PA 19601