

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

JAMES GREEN A/K/A THEODORE HILL,	:	No. 11 WAP 2009
	:	
Appellant	:	
	:	Appeal from the Order of the
v.	:	Commonwealth Court entered April 2,
	:	2009 dismissing the Petition for Review at
	:	604 MD 2007.
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
PENNSYLVANIA BOARD OF	:	
PROBATION AND PAROLE,	:	
	:	
Appellee	:	

ORDER

PER CURIAM

AND NOW, this 18th day of November, 2009, the April 2, 2009 Order of the Commonwealth Court granting judgment on the pleadings in favor of the Board of Probation and Parole is **VACATED**. See Miami National Bank v. Willens, 190 A.2d 438, 439 (Pa. 1963) (“In order for a judgment on the pleadings to be granted, all relevant and material averments of fact made by the opposing party must be taken as true.”) The matter is remanded to the Commonwealth Court with instructions to deny Appellant’s motion for judgment on the pleadings and to consider the issue raised in Appellant’s Petition for Review and Answer to New Matter. The February 23, 2009 Order of the Commonwealth Court granting the Greene County Public Defender’s application to withdraw as counsel is **AFFIRMED**.