



IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

CIVIL DIVISION

GILBERT ARTEAGA, :  
 :  
 Plaintiff :  
 :  
 vs. : NO. 11-100  
 :  
 MR. GOSS (PSYCHOLOGIST) :  
 MR. CORBIN (DEPUTY :  
 SUPERINTENDENT CENTRALIZED :  
 SERVICES) MR. ELLER (DIRECTOR) :  
 BUREAU OF HEALTH SERVICES, :  
 Defendants :

MEMORANDUM

Defendants in this civil action have objected to the Complaint filed by Mr. Arteaga. By order dated March 2, 2011, the parties were directed to file Briefs. There has been compliance with that order, and the case is ready for a decision with respect to the objections.

## Background

### A. The Parties

Plaintiff is an inmate at the State Correctional Institution at Huntingdon, Pennsylvania (SCIH). Defendant Goss is identified as a psychologist and as the Chief Administrator of Centralized Services at SCIH. Plaintiff also sets forth that Mr. Goss is responsible for providing mental health treatment to mentally ill prisoners. Defendant Corbin is identified as the Deputy Superintendent at SCIH. Defendant Eller is identified as the Director of Health Care for the Department of Corrections (DOC).

### B. Facts

Plaintiff sets forth in the Complaint that he was transferred to SCIH September 9, 2010, from the State Correctional Institution at Somerset. Since his arrival at SCIH, and despite his numerous requests, he claims that he has been denied mental health treatment. Concerning his mental health, Plaintiff states that he is a “confirmed schizophrenic” and that prior to going to prison he

was receiving supplemental security income on account of his illness. While Plaintiff does not indicate that he was afforded treatment at SCI-Somerset, he does state that before he was in prison he was afforded both inpatient and outpatient mental health treatment and was prescribed medication. He claims a violation of Article 1, Section 13, of the Pennsylvania Constitution with respect to the Defendants.

#### C. Relief

Plaintiff asks that an injunction issue directing Defendants to immediately provide him mental health treatment. In this regard, he asks that this Court order medication for him and that he be single celled. Finally, he seeks compensatory and punitive damages.

#### D. Objections

Defendants have demurred to the Complaint. Pa.R.C.P. 1028(a)(4).

## E. Discussion

### 1. Standard

Superior Court has provided this guidance for ruling on preliminary objections in the nature of a demurrer:

“A demurrer is an assertion that a complaint does not set forth a cause of action or a claim on which relief can be granted. Del Boring Tire Service, Inc. v. Barr Mach., Inc., 285 Pa.Super.Ct. 66, 426 A.2d 1143 (1981). A demurrer by a defendant admits all relevant facts sufficiently pleaded in the complaint, and all inferences fairly deducible therefrom, but not conclusions of law or unjustified inferences. Barto v. Felix, 250 Pa.Super.Ct. 262, 378 A.2d 927 (1977). In ruling on a demurrer, the court may consider only such matters as arise out of the complaint itself; it cannot supply a fact missing in the complaint. Linda Coal and Supply Co. v. Tasa Coal Compay, 416 Pa. 97, 204 A.2d 451 (1964). Any doubt as to whether a demurrer should be sustained should be resolved against the moving party. Commonwealth, Dept. of Environmental Resources v. Peggs Run Coal Co., 423 Pa.Commw.Ct. 765, 423 a.2d 765 (1980).”

Binswanger v. Levy, 311 Pa.Super. 41, 43, 44, 457 A.2d 103, 104 (1983).

any of the health care professionals in the medical department at SCIH. Nonetheless, he claims Defendants who are not physicians have been deliberately indifferent to his mental health needs. The United States Court of Appeals for the Third Circuit has held that nonmedical defendants cannot be considered deliberately indifferent simply because they refused to respond to medical complaints made by a prisoner. Durmer v. Carroll, 991 F.2d 64, 69 (3d.Cir. 1993). Rather, in order to state a claim for relief against prison officials based on a theory of deliberate indifference, there must be facts pleaded that the nonmedical prison officials had “a reason to believe (or actual knowledge) that **prison doctors or their assistants** were mistreating (or not treating) a prisoner”. Spruill v. Gillis, 372 F.3d 218, 236 (3d.Cir. 2004). In this case, no facts are pleaded that support this burden. Accordingly, we will sustain the demurrer.

BY THE COURT,

  
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J.

DATED: April 18, 2011