

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

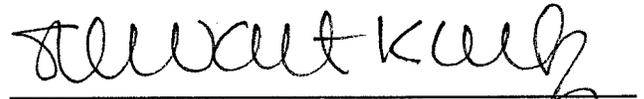
CIVIL DIVISION

GILBERT ARTEAGA, :  
 :  
 Plaintiff :  
 :  
 vs. : NO. 11-126  
 :  
 MR. CORBIN (DEPUTY SUPERINTEN- :  
 DENT OF CENTRALIZED SERVICES, :  
 Defendant :

ORDER

AND NOW, this 14<sup>th</sup> day of April, 2011, for the reasons set forth in a Memorandum filed this date, the Preliminary Objection filed on behalf of Defendant is sustained and this action is dismissed.

BY THE COURT,

  
\_\_\_\_\_  
J.

Debra Sue Rand, Esq.  
Gilbert Arteaga  
by cnk

NOTICE OF ENTRY OF ORDER OR DECREE  
PURSUANT TO PA. R. C. P. NO. 235  
NOTIFICATION - THIS DOCUMENT HAS  
BEEN FILED IN THIS CASE.  
PROTHONOTARY, HUNTINGDON COUNTY, PA  
DATE: APR 15 2011



## Background

Petitioner is an inmate at SCIH. In his very brief (8 paragraphs) Petition for Writ of Mandamus he states that Defendant is responsible “for centralized services for medical and mental health care”, and that he “has sent him request slips asking him to arrange that he receive mental health treatment for his schizophrenia and paranoia delusion . . .”. Mr. Corbin, he pleads, “has not been attentive nor shown a care of his complaint”. (Para. 3 of the Petition.) In Paragraphs 4, 5 and 6 of the Petition, Mr. Arteaga cites to prison rules and policies as well as Title 50 of Purdons and Article 1, section 13, of the Pennsylvania Constitution for the proposition that Defendant owed him a duty “to ensure I am interviewed by a psychiatrist” and to “arrange I receive my meds”. (Para. 6.) In his concluding paragraph, he asks that this Court issue a Writ of Mandamus against Mr. Corbin. He also seeks monetary damages.

## Discussion

The Commonwealth Court of Pennsylvania has repeatedly held that Mandamus is an extraordinary writ and not an over the counter remedy. “It will

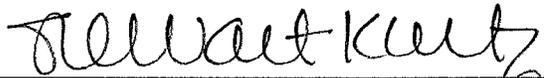
in all correctional facilities inmates shall have access to health care. 37 Pa. Code 93.12 provides as follows:

“Every institution will establish procedures to permit inmates to have access to health care professionals, prescribed treatment for serious medical needs, appropriate nutrition, exercise and personal hygiene items.”

Plaintiff has not alleged nor could he that DOC has not fully complied at SCIH with this mandate. Thus, while Petitioner has a clear right to have appropriate medical care, he has not pleaded any facts which suggest that the medical facilities and personnel at SCIH have failed in any way to respond to his legitimate needs. Nor has he pleaded any facts tending to show that Deputy Corbin has abused the broad discretion necessarily vested in him in carrying out the duties of his position. In this regard, it cannot be argued that Mr. Corbin's duties are ministerial.

Plaintiff has therefore not stated facts which entitle him to mandamus relief. Accordingly, an order will be entered sustaining the demurrer.

BY THE COURT,

  
\_\_\_\_\_  
J.

DATED: April 14, 2011