

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

CIVIL DIVISION

GILBERT ARTEAGA, :  
 :  
 Plaintiff :  
 :  
 vs. : NO. 11-713  
 :  
 MARY LOU SHOWALTER, HEALTH :  
 CARE ADMINISTRATOR, :  
 Defendant :

MEMORANDUM/O R D E R

This case is before the Court on Preliminary Objection filed on behalf of Defendant.<sup>1</sup> Plaintiff is an inmate at the State Correctional Institution at Huntingdon, Pennsylvania (SCIH). According to him, Defendant is a Health Care Administrator at SCIH.

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<sup>1</sup> This is the third action filed by the Plaintiff this year. The same issue is raised in all three actions and it is Plaintiff's demand that he receive mental health treatment. Ultimately what he wants is medication and to be single celled. We dismissed on objection the other actions. Both cases have been appealed to the Superior Court.

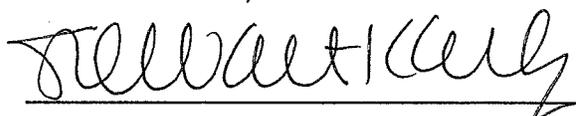
The factual foundation for relief stated in the Complaint is Plaintiff's belief that he is mentally and physically disabled. In this regard, he pleaded that he submitted to the Corrections Health Care Administrator (CHCA) an Inmate Disability Accommodation Request Form on February 9, 2011. Next, he states that on March 4, 2011, he submitted a request to Defendant to amend his form with "epileptic and SSI documents". Defendant, he says responded by advising that his paperwork had been sent to the central office for decision. Plaintiff did not state that his request for disability accommodation was denied, or that he was prohibited from directly mailing to the central office the documents he wanted to attach to his request. Instead he filed this action and asks this Court "to order defendant to retrieve his SSI/epilepsy documents and them send to Camp Hill (sic)".

Mandamus is an extraordinary writ and "will only be granted to compel performance of a ministerial duty where the Plaintiff establishes a clear legal right to relief and a corresponding duty to act by the defendant". Taglient v. Department of Corrections of the Commonwealth of Pennsylvania, 806 A.2d

988, 991 (Pa.Cmwlth. 2002). The facts set forth above fall far short of stating a claim.

Accordingly, It is Ordered that the Preliminary Objections of Defendant are sustained and this action is dismissed.

BY THE COURT,

  
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J.

DATED: May 23, 2011