

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Fredrick Campfield,	:	
Appellant	:	
	:	
v.	:	
	:	
	:	
Sgt. Witherite, C.O.T. A. Ranio, and	:	No. 2252 C.D. 2008
C.O. John Doe	:	Submitted: May 15, 2009

BEFORE: HONORABLE DAN PELLEGRINI, Judge
HONORABLE JOHNNY J. BUTLER, Judge
HONORABLE JAMES R. KELLEY, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE BUTLER

FILED: June 19, 2009

Frederick Campfield (Campfield), an inmate formerly incarcerated at the State Correctional Institution at Rockview (SCI-Rockview), appeals pro se from the August 18, 2008 order of the Court of Common Pleas of Centre County (trial court) dismissing his civil action pursuant to Section 6602(e) of the Prison Litigation Reform Act (PLRA), 42 Pa.C.S. § 6602(e). The issue before this Court is whether the trial court erred in finding that Campfield’s complaint against the corrections officers failed to state a claim upon which relief may be granted. For the reasons that follow, we affirm the trial court’s order.

On November 1, 2006, while Campfield was incarcerated at SCI-Rockview, he was beaten by another prisoner wielding a steel lock encased in a sock. At the time of the attack, three corrections officers were located in the control pod where video monitors are observed for security purposes. Once Campfield was able

to force the assaulting inmate out of his cell and get the attention of the corrections officers, one of the officers came to Campfield's aid, and he received medical treatment. The attack was recorded by the video monitors. According to Campfield, the video reflects that the assaulting prisoner passed Campfield's cell and looked in three times immediately prior to the attack. On December 20, 2007, Campfield, proceeding in forma pauperis, filed a complaint against the corrections officers in the control pod at the time the attack occurred. Campfield's complaint sought damages on grounds that the officers were aware that an unreasonable risk of violence existed, yet they failed to observe the impending danger and, with deliberate indifference, they failed to protect Campfield from the assault.

On May 19, 2008, the corrections officers filed a motion to dismiss Campfield's complaint, stating that Campfield's claims against them for common law negligence were barred by the doctrine of sovereign immunity, and that his claims under the Eighth Amendment failed to state a claim upon which relief may be granted. On June 2, 2008, Campfield filed a response to the officers' motion. On August 18, 2008, the trial court issued an order granting the officers' motion and dismissing Campfield's complaint for failure to state a claim upon which relief may be granted. The trial court denied Campfield's motion for reconsideration, and Campfield filed an appeal with the Superior Court. On November 25, 2008, the Superior Court transferred the appeal to this Court.¹

¹ "Our scope of review of a trial court's decision is limited to determining whether constitutional rights have been violated, or whether the trial court abused its discretion or committed an error of law." *Fraisar v. Gillis*, 892 A.2d 74, 76 n.2 (Pa. Cmwlth. 2006).

Campfield's lawsuit constitutes prison conditions litigation. Section 6601 of the PLRA, 42 Pa.C.S. § 6601, defines prison conditions litigation as “[a] civil proceeding arising in whole or in part under Federal or State law with respect to the conditions of confinement or the effects of actions by a government party on the life of an individual confined in prison.” Section 6602(e) of the PLRA, requires the trial court to dismiss prison conditions litigation if the complaint fails to state a claim upon which relief may be granted.

The Eighth Amendment of the United States Constitution prohibits the infliction of cruel and unusual punishment. U.S. Const. amend. VIII. The Eighth Amendment is made applicable to the states via the Fourteenth Amendment, and it is coextensive with Article I, section 13 of the Pennsylvania Constitution. *Jackson v. Hendrick*, 509 Pa. 456, 503 A.2d 400 (1986); U.S. Const. amend XIV; Pa. Const. art 1, § 13. Thus, conditions of confinement of Pennsylvania inmates are subject to scrutiny under the Eighth Amendment. *Neely v. Dep't of Corr.*, 838 A.2d 16 (Pa. Cmwlth. 2003).

In *Farmer v. Brennan*, 511 U.S. 825 (1994), cited by the parties and the trial court, the United States Supreme Court held that, under the Eighth Amendment, prison officials are precluded from using excessive physical force against inmates, they must provide humane conditions of confinement, ensure that the inmates receive adequate food, clothing, shelter, and medical care, and take reasonable measures to guarantee inmates' safety. Specifically, the Supreme Court declared that “prison officials . . . have a duty to protect prisoners from violence at the hands of other prisoners.” *Id.* at 833 (quotation marks omitted). The Supreme Court then spelled out its criteria for determining whether prison officials have violated the Eighth Amendment.

This Court, adopting the Supreme Court’s criteria in *Farmer* for assessing prison condition claims under the Eighth Amendment, has held that in order to be successful on such a claim a prisoner must show: (1) objectively, that such conditions are “sufficiently serious” to involve a “denial of the minimum civilized measure of life’s necessities;” and (2) subjectively, that prison officials acted with “deliberate indifference.” *Neely* at 20 n.6.

Campfield’s complaint states:

9. During this attack, . . . none of the defendants were reviewing the video monitor direct at front of plaintiff[’]s cell.

. . . .

15. It is alleged that . . . it was their duty to conduct regular security patrols in the cell block.

. . . .

17. It is alleged that the entire attack was video taped, from beginning to end, showing assaulting prisoner walking by plaintiff[’]s cell looking into cell three times, prior to attack.

18. It is alleged that all three defendants . . . never observed assaulting prisoner’s suspicious behavior, because they were not watching cell block monitoring system, nor was a security patrol conducted during the time of plaintiff[’]s assault.

. . . .

20. As a direct result of defendant Witherite[’s] omissions, plaintiff[’]s injuries were foreseeable.

21. As a direct result of defendant Ranio[’s] omissions, plaintiff[’]s injuries were foreseeable.

22. As a direct result of John Doe[’]s omissions, plaintiff[’]s injuries were foreseeable.

23. Defendants . . . may of acted with deliberate indifference to plaint[iff] from assault by another.

Original Record at Action in Trespass filed December 20, 2007. Campfield argues that the trial court erred by dismissing his complaint in light of the fact that it set forth a claim that prison officials violated the Eighth Amendment by their deliberate indifference to his safety. We disagree.

Campfield's complaint does not set forth facts sufficient to establish that the conditions of his incarceration were sufficiently serious to deny him the minimum civilized measure of life's necessities. According to *Farmer*, for a claim involving a prison official's failure to prevent harm, the objective part of the test requires the prisoner to show that he was incarcerated "under conditions posing a substantial risk of serious harm." 511 U.S. at 834. In *Farmer*, prison officials placed a transsexual male with feminine characteristics into the prison's general population, where he was attacked. It is fair to say from an objective standpoint, the conditions of that incarceration posed a substantial risk of serious harm to the inmate. That was not the case here. In the instant matter, Campfield pled no facts in his complaint to show that he was in any particular danger at the hands of the assaulting inmate of which either he or the corrections officers were aware on November 1, 2006. He merely broadly pled that prison officials had a duty to "conduct regular safety patrols," and to watch the video monitors. From an objective standpoint, therefore, we hold that Campfield's complaint did not set forth allegations of conditions sufficiently serious to constitute a violation of the Eighth Amendment.

We, likewise, hold that Campfield's complaint does not set forth facts sufficient to establish that, subjectively speaking, prison officials acted with deliberate indifference. "Deliberate indifference exists if an official 'knows of and disregards an excessive risk to inmate health or safety; the official must both be

aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Neely* at 20 n.6 (quoting *Farmer*, 511 U.S. at 837). Campfield’s complaint specifically states that the corrections officers never observed the assaulting prisoner’s suspicious behavior, and reflects that once the officers became aware of the attack, actions were taken to stop it. Since the officers were admittedly not aware of the suspicious behavior or that the assault was taking place, there was no opportunity for them to have drawn the inference that Campfield faced a substantial risk of serious harm before they actually acted to come to his aid. Thus, from the subjective standpoint as well, we hold that Campfield’s complaint does not set forth allegations of deliberate indifference on the part of the corrections officers.

Campfield’s complaint against the corrections officers failed to state a claim upon which relief may be granted. It was, thus, properly dismissed pursuant to Section 6602(e) of the PLRA. The August 18, 2008 decision of the trial court is affirmed.

JOHNNY J. BUTLER, Judge

Judge Pellegrini concurs in the result only.

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ORDER

AND NOW, this 19th day of June, 2009, the August 18, 2008 order of the Court of Common Pleas of Centre County is affirmed.

JOHNNY J. BUTLER, Judge