

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

FREDERICK CAMPFIELD, )

Plaintiff )

v. )

No. 2007-5629 )

SGT. WITHERITE, *et al.*, )

Defendant )

*Attorney for Plaintiff:*

*Attorney for Defendants Witherite and Raino:*

DEBRA C. IMMEL  
PROthonotary  
CENTRE COUNTY, PA  
2008 APR 18 P 3:27  
FILED FOR RECORD  
COPY  
Pro Se  
Laura L. Nease, Esq.

**OPINION & ORDER**

**RUEST, J.**

Plaintiff Frederick Campfield filed an Action in Trespass on December 20, 2007, alleging that his Eighth Amendment rights have been violated as a result of Defendants' negligence in preventing an assault on him by another inmate. Defendants filed Preliminary Objections on March 17, 2008, and a Motion to Dismiss on May 19, 2008. The parties have both submitted briefs in this matter. The Court hereby grants Defendants' Motion to Dismiss for failure to state a claim on which relief may be granted.

In order to state a claim under the Eighth Amendment for a failure to prevent harm, an inmate must show that he is incarcerated under conditions posing substantial risk of serious harm, and that Officials displayed "deliberate indifference" to inmate health or safety. **Farmer v. Brennan**, 511 U.S. 825, 114 S.Ct. 1970 (1994). To establish deliberate indifference the Official in question must objectively know of and disregard 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. *Id.* An inmate must allege more than mere negligence. *Id.*

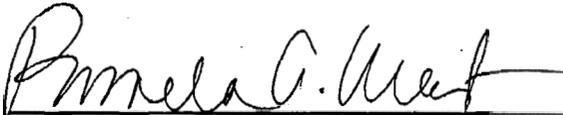
Plaintiff has not alleged facts which are sufficient to meet this standard and, in fact, has stated the opposite in his Complaint. This Court therefore concludes that Plaintiff has failed to aver facts sufficient to establish a violation of his Eighth Amendment rights, and his Complaint must be dismissed for failure to state a claim upon which relief may be granted pursuant to 42 Pa. C.S. § 6602(e).

Accordingly, the following is entered:

**ORDER**

AND NOW, this 18<sup>th</sup> day of August, 2008, Defendants' Motion to Dismiss is hereby **GRANTED** and Plaintiff's Action in Trespass is **DISMISSED**.

BY THE COURT:

  
Pamela A. Ruest, Judge