

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA
CIVIL DIVISION

Miguel Jose Garcia,
Plaintiff,

vs.

Patty McKissock, *et al.*,
Defendants.

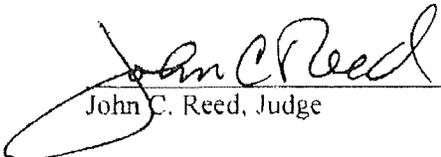
No. 2009-2606

NO. FILED IN MERCER
COUNTY
2009 OCT -9 P 3:00
ELIZABETH FAIR
PROTHONOTARY

MEMORANDUM OPINION

AND NOW, this 9th day of October 2009, the preliminary objections filed on behalf of Defendants Patty McKissock, Fred J. Ruffo, Michael W. Harlow, Jeffrey A. Beard and Timothy Mark are **GRANTED** and Plaintiff Miguel Jose Garcia's *Complaint* is **DISMISSED** because, *inter alia*: (1) a violation of the Pennsylvania Constitution does not support a claim for money damages under the facts alleged in the *Complaint*; (2) any claim for injunctive relief has been mooted by Mr. Garcia's transfer from SCI-Mercer; (3) the individual defendants are entitled to the protections of state sovereign immunity; and (4) Mr. Garcia has failed to allege facts that would implicate a cruel and unusual punishment claim, a due process claim, an equal protection claim, or any other claim cognizable under federal law.

BY THE COURT,


John C. Reed, Judge

, J.