

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 1999-CA-001996-MR

LARRY WAYNE PALMER

APPELLANT

v. APPEAL FROM MORGAN CIRCUIT COURT  
HONORABLE SAMUEL LONG, JUDGE  
ACTION NO. 99-CI-00153

KENTUCKY DEPARTMENT OF CORRECTIONS

APPELLEE

OPINION  
AFFIRMING  
\*\* \*\* \* \* \* \* \*

BEFORE: GUDGEL, CHIEF JUDGE; DYCHE, AND MILLER, JUDGES.

MILLER, JUDGE: Larry Wayne Palmer brings this *pro se* appeal from an August 18, 1999, order of the Morgan Circuit Court. We affirm.

On July 29, 1999, appellant filed a civil complaint sounding in tort against the Commonwealth of Kentucky, Department of Corrections (Department of Corrections), and certain correctional officers. On August 18, 1999, the circuit court dismissed the complaint, thus precipitating this appeal.

Appellant contends the circuit court committed reversible error by dismissing the tort claims against the

Department of Corrections and the correctional officers. We disagree. We are of the opinion the Department of Corrections is a department of the Commonwealth of Kentucky and thus cloaked with sovereign immunity. As appellant failed to specifically name the correctional officers in the notice of appeal, we do not believe they are parties to the appeal. Ky. R. Civ. P. 73.03; See Schultz v. Chadwell, Ky. App., 548 S.W.2d 181 (1977). In sum, we hold that the Department of Corrections is shielded with sovereign immunity and that the circuit court correctly dismissed appellant's tort claims.

For the foregoing reasons, the order of the Morgan Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Larry Wayne Palmer, Pro Se  
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BRIEF FOR APPELLEE:

John T. Damron  
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