

IN THE UTAH COURT OF APPEALS

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Johnny Ray Caldwell,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellant,)		
)	Case No. 20051041-CA	
v.)		
)	F I L E D	
Clint Friel,)	(February 24, 2006)	
)		
Respondent and Appellee.)	<table border="1"><tr><td>2006 UT App 67</td></tr></table>	2006 UT App 67
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Third District, Salt Lake Department, 040901400
The Honorable Timothy R. Hanson

Attorneys: Johnny Ray Caldwell, West Valley City, Appellant
Pro Se
Mark L. Shurtleff and Michelle M. Young, Salt Lake
City, for Appellee

Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

Johnny Ray Caldwell appeals the summary judgment denying his petition for extraordinary relief challenging the conditions of his confinement. This case is before the court on a sua sponte motion for summary disposition.

"A prison official's deliberate indifference to an inmate's serious medical needs violates the Eighth Amendment." Sealock v. Colorado, 218 F.3d 1205, 1209 (10th Cir. 2000). The standard of "deliberate indifference" applies to claims of inadequate health care. Wilson v. Seiter, 501 U.S. 294, 297 (1991) (stating a prisoner must allege "deliberate indifference" to "serious" medical needs). In order to demonstrate deliberate indifference, a petitioner must establish that (1) the pain or deprivation is sufficiently serious, and (2) prison officials acted with a sufficiently culpable state of mind. Sealock, 218 F.3d at 1209; see also Farmer v. Brennan, 511 U.S. 825, 837-38 (1994) (adopting a subjective component to the test for deliberate indifference). Pain or deprivation is sufficiently serious "if it is one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention." Sealock, 218 F.3d at

1209. The culpable state of mind requirement is met if a prison official "knows of and disregards an excessive risk to inmate health or safety." Id.

The district court properly granted summary judgment. There was no genuine issue of material fact and the undisputed facts do not demonstrate deliberate indifference to Caldwell's serious medical needs. Although he was originally prescribed psychotropic drugs based upon a diagnosis of serious mental illness, that diagnosis was determined to be incorrect after more extensive evaluation. Caldwell continued to receive the medications even after his revised diagnosis to assist him in controlling his behavior. Ultimately, prison medical personnel discontinued the medications because they were not an appropriate treatment for the personality disorders that comprised his revised diagnosis. He was then prescribed alternative medication to address his need for mood control and was offered counseling. Under these circumstances, Caldwell cannot demonstrate deliberate indifference to his serious medical needs. The undisputed facts demonstrate that the prison provided appropriate mental health services, was consistently attentive to Caldwell's mental health needs, and was not deliberately indifferent.

We affirm the judgment on the petition. Based upon our disposition, we deny Caldwell's motion for evidentiary hearing.

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood, Judge

Carolyn B. McHugh, Judge