

IN THE UTAH COURT OF APPEALS

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James Hostetter,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20060125-CA
v.)	
)	F I L E D
Clint Friel,)	(June 2, 2006)
)	
Respondent and Appellee.)	2006 UT App 229

Third District, Salt Lake Department, 040927075
The Honorable L.A. Dever

Attorneys: James Hostetter, Draper, Appellant Pro Se
Mark L. Shurtleff and Nancy L. Kemp, Salt Lake City,
for Appellee

Before Judges Billings, Orme, and Thorne.

PER CURIAM:

Appellant James Hostetter appeals the denial of his petition for extraordinary relief challenging prison conditions. This case is before the court on a sua sponte motion for summary disposition.

"We review an appeal from an order dismissing or denying a petition for post-conviction relief for correctness without deference to the lower court's conclusions of law." Rudolph v. Galetka, 2002 UT 7, ¶4, 43 P.3d 467. Further, "we survey the record in the light most favorable to the findings and judgment; and we will not reverse if there is a reasonable basis therein to support the trial court's refusal to be convinced that the writ should be granted." Medina v. Cook, 779 P.2d 658, 658 (Utah 1989) (quotations and citation omitted).

Hostetter filed a petition claiming that the copayments assessed for medical visits and prescriptions to treat what he characterizes as "chronic" health conditions violate his due process rights and rights under the Eighth, Thirteenth, and

Fourteenth Amendments to the U.S. Constitution.¹ The district court granted a motion to dismiss on the basis that (1) the copayments were not unconstitutional, (2) Hostetter received adequate notice of the copayment policy, and (3) due process is satisfied by the availability of a post-deprivation remedy through the prison grievance system.

It was uncontroverted that Hostetter, along with all other inmates, was notified that a fee would be charged. Nevertheless, Hostetter sought medical treatment and medication. He made no claim that he was deprived of treatment because of inability to pay. Before this court he claims, without any legal analysis or support, that the prison cannot charge him any amount for medical treatment, prescriptions, therapy, emergency treatment, or medical supplies for "chronic" conditions. He asserts that the prison's actions of charging him for medical care deprived him of money to buy hygiene items such as "toothpaste, shaving cream, soap, toothbrush, deodorant, comb," and so forth, and that the prison has exceeded the upper limit that it is allowed to deduct from inmate funds. Hostetter failed to establish that his constitutional rights have been violated by the prison's actions. The prison grievance system is adequate to address his claims. In fact, Hostetter filed materials in the district court that demonstrate he utilized that system in raising some of his claims.

We conclude that there is a reasonable basis in the record before us to support the trial court's refusal to grant the writ. Accordingly, we affirm the decision.

Judith M. Billings, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

¹Although Hostetter claims he was assessed a copayment for prescriptions, the record reflects that he was charged a flat fee of \$1.00 per prescription as a dispensing charge. The copayment for a doctor visit was \$3.00, and medical supplies are charged at fifty percent of the prison's cost.