

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-000551-MR

CHAD MEADOR

APPELLANT

v. APPEAL FROM BELL CIRCUIT COURT
HONORABLE JAMES L. BOWLING, JR., JUDGE
ACTION NO. 01-CI-00452

DOUGLAS FLETCHER

APPELLEE

OPINION

AFFIRMING

** ** * * * * *

BEFORE: EMBERTON, CHIEF JUDGE; BUCKINGHAM AND PAISLEY, JUDGES.
PAISLEY, JUDGE. This is a pro se appeal from an order entered
by the Bell Circuit Court dismissing appellant's petition for
declaratory relief and money damages relating to a prison
disciplinary proceeding. For the reasons stated hereafter, we
affirm.

Appellant was a state prison inmate when he was placed
into segregation for seven days from October 22 to October 29,
2001. He asserts that while he was in segregation his Eighth

Amendment rights were violated and the prison staff failed to protect him. More specifically, he claims that in retaliation for his complaint against a staff member, he was denied basic personal hygiene items and privileges afforded to other inmates. The trial court dismissed appellant's petition for declaratory relief and money damages, and this appeal followed.

As stated in Blair v. Hendricks, Ky. App., 30 S.W.3d 802, 806 (2000), Kentucky courts "generally do not interfere with the imposition of discipline on prison inmates." Moreover, "in light of the exceptional difficulties confronting prison administrators, a highly deferential standard of judicial review is constitutionally appropriate with respect to both the factfinding that underlies prison disciplinary decisions and the construction of prison regulations." Smith v. O'Dea, Ky. App., 939 S.W.2d 353, 357 (1997) (citing Sandin v. Conner, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 4148 (1995), and Superintendent, Massachusetts Correctional Institution, Walpole v. Hill, 472 U.S. 445, 105 S.Ct. 2768, 86 L.Ed.2d 356 (1985)).

Here, appellant contends that he was subjected to harassment, inhumane treatment and retaliation while he was in protective custody. He also alleges that the court allowed an affidavit containing perjured testimony to be placed in the record to counter his allegation that he was denied basic personal hygiene items. However, even if we accept appellant's

allegations as true, it is clear that appellant made no specific allegations of wrongdoing which were sufficient to amount to a deprivation of his constitutional rights as an inmate in segregation. It follows that the trial court did not err by dismissing appellant's action below.

The court's order is affirmed.

ALL CONCUR.

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BRIEF FOR APPELLEE:

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