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Crawford v. Sec Dept Corrections

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1274

MARSHA CRAWFORD,

Appellant

v.

JEFFREY A. BEARD, SECRETARY OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS; DENNIS R. ERHARD,
Regional Deputy Secretary Bureau of Inmate Services;
DAVID DIGUGLIELMO, SUPERINTENDENT; HUGH OWENS, Lieutenant;
SERGEANT BERNICE WOMACK, Lieutenant; GREGOIRE, Corrections
Officer; OFFICER ROBINSON, CORRECTION OFFICER; DR. BUTLER,
CORRECTIONS OFFICER; SELDON, CORRECTIONS OFFICER

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(Civil No. 04-cv-00777)
District Judge: Honorable Clarence C. Newcomer

Submitted pursuant to Third Circuit LAR 34.1
February 2, 2006

Before: MCKEE, SMITH AND VAN ANTWERPEN, Circuit Judges

(Opinion Filed March 28, 2006)

OPINION

MCKEE, Circuit Judge

Marsha Crawford appeals the district court's grant of Summary Judgment on the claim she brought to recover for injuries she sustained in the course of performing her duties as a nurse in the Mental Health Unit at the State Correctional Institution at Graterford. For the reasons that follow, we will affirm.

Since we write primarily for the parties who are familiar with this case, we need not set forth the factual or procedural background of this suit. In his thoughtful Memorandum and Order, dated January 19, 2005, the Honorable Clarence C. Newcomer, explained why plaintiff cannot recover under the state created danger theory, *see Kneipp v. Tedder*, 95 F.3d 1199, 1207 (3rd. Cir. 1996); as well as why plaintiff can not establish that defendants actions breached the applicable standard of care. *See DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 195 (1989). The district court's analysis was correct, and we will affirm the district court's grant of Summary Judgment in favor of the defendants and against the plaintiff substantially for the reasons set forth in that Memorandum and Order.