

IN THE COURT OF APPEALS OF IOWA

No. 2-685 / 12-0111
Filed September 19, 2012

JOEL PATRICK MCKEAG,
Plaintiff-Appellant,

vs.

**IOWA DEPARTMENT OF
CORRECTIONS, JOHN R.
BALDWIN, DOC Director, JOHN
FAYRAM, ASP Warden, and
JANET FLIEHLER, ASP Records
Administrator,**
Defendants-Appellees.

Appeal from the Iowa District Court for Marshall County, Carl D. Baker,
Judge.

Plaintiff appeals the district court's order granting the defendants' motion
to dismiss his petition for writ of mandamus. **AFFIRMED.**

Joel Patrick McKeag, Anamosa, pro se appellant.

Thomas J. Miller, Attorney General, and Forrest Guddall, Assistant
Attorney General, for appellees.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

BOWER, J.

Plaintiff Joel McKeag filed a petition for writ of mandamus, requesting the district court order defendants Iowa Department of Corrections and associated corrections staff (“DOC”) to provide a “discharge date” for McKeag’s first consecutive twenty-five-year sentence of imprisonment.¹ The DOC filed a motion to dismiss McKeag’s petition. Following a hearing, the district court granted the motion and dismissed the case for failure to state a claim for which relief could be granted. The court determined that although McKeag’s consecutive sentence was technically comprised of two separate sentences, they must be construed as one continuous term of imprisonment; therefore, there was no specific date on which one sentence ends and the second sentence begins. See Iowa Code § 901.8 (2011). Accordingly, the court concluded it could not compel the DOC to provide a record that does not exist.

On appeal, McKeag raises various claims of error in regard to the district court’s dismissal of his petition and failure to compel the DOC to disclose “public information.” Because we agree with the district court’s reasoning, its conclusions under the facts presented, and its application of the law, we affirm pursuant to Iowa Rule of Appellate Procedure 6.1203(a), (d).

AFFIRMED.

¹ McKeag is currently serving two twenty-five-year sentences of imprisonment, after pleading guilty to sexual abuse in the second degree and burglary in the first degree. See *McKeag v. State*, No. 10-1084, 2011 WL 3925537, at *1 (Iowa Ct. App. Sept. 8, 2011); *McKeag v. State*, No. 08-0752, 2009 WL 2169041, at *1 (Iowa Ct. App. July 22, 2009). In the August 1993 sentencing order, the district court explicitly stated McKeag’s two twenty-five-year sentences “shall run consecutively.”