

MAR 11 2015

Please print in ink or type

RECEIVED

vs.

Dept. of Correction

COMPLAINT

(Name)

(Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of Lee represented by Pro Se
(Legal Counsel, if any, for Claimant)

of _____ says:

(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: ARK. DEPT. OF CORRECTION Amount sought: \$8,400.00 + Expense

Month, day, year and place of incident or service: CLAIM NO. 1: ON 12-26-2013, I FINISHED SERVING MY PUNITIVE DISCIPLINARY TIME IN ISO 109 CELL. HOWEVER, I WAS NOT MOVED OUT OF PUNITIVE ISO 109 CELL, UNTIL 12-29-2013, MORE THAN TWO (2) DAYS LATE..... UNDER NO CIRCUMSTANCE SHOULD I SERVE EXTRA DAYS. A.D. 12-10 III.(C) (1)(a) MAXIMUM PENALTY 30 DAYS. A.D. 12-24 III.(C) (1) MAX. TIME CONFINED TO PUNITIVE 30 DAYS; MAX. TIME TO A 48 HOUR RELIEF, 30 DAYS. SEE ATTACHED GRIEVANCE # EAM14-00128. THESE PERSONS DEPRIVED ME OF MY LIBERTY, BY EXCESSIVE CONFINEMENT, WARDEN BURL, ASST. WARDEN BALL, CAPT. MC NARY, SGT. COLE, CPL. ROBERTSON, AND OTHER JOHN OR JANE DOE. I SEEK DAMAGES OF \$1,500 PER DAY, COMPENSATORY.

CLAIM NO. 2: I WAS NOT AFFORDED YARD CALL ON 02-03-2014, 02-06-2014, & 02-07-2014. ONLY 30 MINS. ON 02-04-2014, VIOLATING A.D. 12-24 III.(A) 4): PUNITIVE SEGREGATION. INMATES WILL BE OFFERED A MINIMUM OF ONE HOUR OF EXERCISE SPOT DAY OUTSIDE THEIR CELLS, FIVE (5) DAYS PER WEEK. SEE ATTACHED GRIEVANCE # EAM14-00507. I WAS DEPRIVED OF MY YARD CALLS. I SEEK COMPENSATORY DAMAGES \$1500.00 PER DAY FOR EACH DAY THAT WARDEN BURL, ASST. WARDEN T. BALL, CAPT. MC NARY, SGT. SMITHON, CPL. SMITH, CPL. C. DAVIS, CPL. R. PAULS, CAP. ALEXER & SGT. FORMAN DEPRIVED ME OF YARD CALL. SEE: CLAIM NO. 3: ON 01-23-2014 & 01-24-2014, THERE WAS NO HUSTAD AIR CIRCULATING IN ISO 2 BACKPACKS. I SPENT OVER 36 HOURS IN EXERCISE CELL. I SEEK COMPENSATORY DAMAGES \$1000.00 PER HOUR. LIABLE MR. BUFORD, WARDENS, CAPT. MC NARY, JOHN, JANE DOE

Number of this complaint: 1 The claimant makes no statement, and answers the following questions, as applicable. (This claim has been reviewed and found to be a valid claim.)

Week damages: \$100.00 per hour. Liable Mr. Buford, Wardens, Capt. Mc Nary, John, Jane Doe

to whom?

(Yes or No) (Month) (Day) (Year) (Department)

Yes #14-00448 : and that the following action was taken thereon:

and that \$ Approx. \$1000.00 was paid thereon: (2) Has any third person or corporation an interest in this claim? Yes; if so, state name and address:
Mr Paul Manning 324 E. 4th Ave. Strong AL 71765
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
and that the nature thereof is as follows:

and that the nature thereof is as follows:

and was acquired on payment of taxes, in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Travis Manning
(Print Claimant/Representative Name)

Mann #144583
(Signature of Claimant Representative)

SWORN TO and subscribed before me at

(SEAL)

(Date)

day of

(City)

(State)

(Notary Public)

SF1- R7/99

Commission Expires:

(Month)

(Day)

(Year)

ATTACHMENT OF ARK. STATE CLAIM

CONT. CLAIM NO 3: ON 01-23-2014 + 01-24-2014 there was No Heated Air Circulating in ISO ONE (1) barracks. This resulted in me spending over 36 hours in EXTREME COLD TEMP°. Outside temps° got down APPROX. 18°. Chill factor in single digit. I suffered Hypothermia. I seek damages (compensatory) of \$100.00 per hour of cold subject to, from persons who are liable for my suffering; Mr. Buford, McInt. Supervisor, Warden Danny Burt, Assist. Warden Todd Ball, Capt. W. McNary, + any John + Jane Dods. See attached Grievance # EAM14-00338.

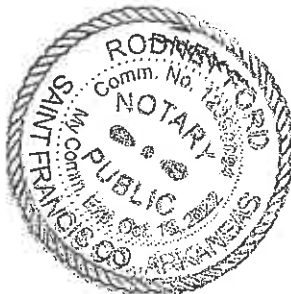
Travis Manning
Print Claimant/Representative Name

Travis Mann #14483
Signature of Claimant/Representative

SWORN TO and subscribed before me at Beechey Arkansas
City State
ON this 17 day of Feb, 2015
(date) (month) (year)

[Signature]
(NOTARY PUBLIC)

MY Commission Expires: Oct 18 2022
(Month) (Day) (Year)



UNIT LEVEL GRIEVANCE FORM (Attachment I) GRIEVANCE/RECEIVED

Unit/Center EAST ARK. RegionalName TRAVIS MANNING

JAN 14 2014

ADC# 144583 Brks # MX 830 Job Assignment EAST AR REGIONAL UNIT

FOR OFFICE USE ONLY

GRV. # EAM14-00128Date Received: 1-14-14GRV. Code #: 20101-9-14 (Date) STEP ONE: Informal Resolution1-12-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I Need to knowwhy I had to stay in Iso punitive Extra day.(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: Staff in Warden's fail to get answer.Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mentalBRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On Dec. 26, 2013 I finishedserving my disciplinary punitive in Iso 109. However I was
not moved out of punitive Iso 109 cell, until 12-28-13,
more than one day LATE..... Because I went to
disciplinary & received my punitive on 12-11-13.
The disciplinary Judge only assigned me 30 day punit-
ive, so I should have been release from Iso punitive cell
on Dec. 26, 2013.Under no circumstances should I serve EXTRA Day
or days. A.D. 13-10 inmate disciplinary Pg. 17 Item 22:
person involved: Max Warden Ball, Max Commander, Capt.
McNary, Sgt Cole, Cpl. Robinson.
This is unjust and affects me both mentally & physically.Inmate Signature Travis ManningDate 1-9-14

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1-10-14 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Sgt B. Worth Date 1-10-14

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature

Date Received

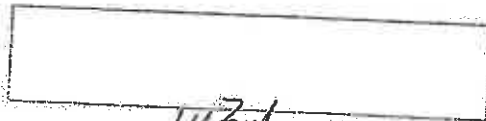
Describe action taken to resolve complaint, including dates: unable to speak to someone
about the issue during the weekendStaff Signature & Date Returned 1-12-14 B. WorthInmate Signature & Date Received Travis Manning 1-12-14This form was received on 1-12-14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).Staff Who Received Step Two Grievance: Sgt B. Worth Date: 1-12-14Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back

IGTT410
3GS.Tsol/MX13
Attachment IIIINMATE NAME: Manning, TravisADC #: 144583AGRIEVANCE #: EAM14-00128

WARDEN/CENTER SUPERVISOR'S DECISION

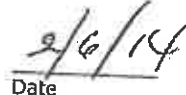
Inmate Manning, you grieve you completed serving your punitive time on 12/26/2013, but you were not moved from the punitive area until 12/28/2013. Your complaint is noted. Documentation reveals you were assigned to punitive time on 11/27/2013 and you were released on 12/27/2013. It also reveals were moved to Max 8/CB 30 on 12/29/2013, which is two days later. I find your complaint merit and corrective action will be taken.



Signature of Warden/Supervisor or Designee



Title

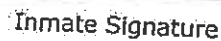


Date

INMATE'S APPEAL

If you are not satisfied with this response, Corrective action within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?



Inmate Signature



ADC#



Date

class corresponding to the additional rule(s) violated. However, sanctions defined in terms of days (i.e., good time, punitive segregation, loss of privileges, and extra duty) may not be applied more than once per disciplinary action.

2. Any or all sanctions may be suspended for up to six (6) months.
3. Disciplinary Officers may not amend an inmate's level in the VSM program, but those actions can be considered by the classification committee when reviewing that inmate.

G. Range of Allowable Sanctions

1. Penalty Class "A"
 - a. Punitive Segregation 1-30 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
 - b. Loss of earned good time up to 365 days (loss of all earned good time is allowable for offenses listed that include the statement "may result in loss of all good time").
 - c. If the use of the Inmate Telephone System is involved, it shall result in the loss of telephone privileges for one (1) year.
 - d. Loss of designated privileges, 1-60 days.
 - e. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
 - f. Reduce up to three (3) steps in class.
 - g. Recommend to Classification Committee for change of assignment/unit.
 - h. Extra duty up to two (2) hours per day for up to thirty (30) days.
 - i. Possession/introduction/use of a cell phone will result in the loss of Inmate Telephone System privileges for one (1) year.
2. Penalty Class "B"

standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

“Special Note:” For those inmates assigned to punitive segregation and under “Treatment Precaution,” i.e., Restriction Status or Restraint Status, the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department’s cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to 30 days.

Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate’s telephone privilege will not be restored during 48-hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3.

Commissary purchases may be made by an inmate only if the inmate’s 48-hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 48 hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be

Unit/Center East Hill Regional

ADC# 144589 Brks # 750-108 Job Assignment No Slave No Master

7-16-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Sgt Smith is not telling the whole story.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? / If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): "Word Call" week of February 2 2014;

On Monday Feb. 3 2014 I got on the Yard list but was not given at least one hour Yard cell. On Feb. 4 2014 I was on Yard call only 20 mins. When Capt. Dexter came & got me off for disciplinary reasons. On Feb. 6 2014 I got on the Yard call list but was not afforded a Yard Cell. On Feb. 7 2014 I got on the Yard call list but was not afforded a Yard Cell.

Some form of regular outdoor exercise is extremely important to the psychological and physical well being of inmates. undue restrictions on prisoners' opportunities for physical exercise may constitute cruel & unusual punishment in violation of Eight Amendment. It was not lightening during our yard run times..... None of the missed yard call was not made up. This hindered my psychological & physical well being & health: Detention, no work, no mail: only with cell call, cell. basic cell food. Max Commander Max Walden Hall and All other John Doe's, not foreman.

[illegible]

Inmate Signature

Date _____

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 7-10-14 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

PRINT STAFF NAME (PROBLEM SOLVER) M. Smith ID Number 23202 Staff Signature M. Smith Date Received 7-10-14

Describe action taken to resolve complaint, including dates:

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 9/28/20 (date), pursuant to **Step Two**. Is it an Emergency? Yes (Yes or No).

Staff Who Received Step Two Grievance:

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form:

DISTRIBUTION: YELLOW & PINK – Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate After Completion of Step One and Step Two.

J. Sell MX02

Attachment III

IGTT410
3GSINMATE NAME: Manning, TravisADC #: 144583AGRIEVANCE #: EAM14-00503

WARDEN/CENTER SUPERVISOR'S DECISION

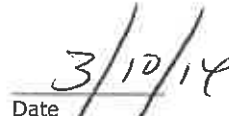
Inmate Manning, you grieve on 02/03/2014, 02/04/2014, 02/06/2014, and 02/07/2014, you were not afforded your yard call. Your complaint is noted. Documentation reveals you did receive yard call on 02/5/2014 from 7:23 am until 8:26 am, and you name is on the list for yard call on 02/06/2014, but there is no time beside your name. Also there is no documentation of you receiving yard call on 02/03/2014 or 02/04/2014; therefore, I find your complaint with merit and corrective action will be taken.



Signature of Warden/Supervisor or Designee



Title



Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *I will write the facts down again for all you slow minded people (smile) I was not afforded a yard call 02-03-2014; I was only afforded 30 mins. on 02-04-2014; I was not afforded a yard call 02-06-2014; I was not afforded a yard call on 02-07-2014. END OF STATEMENT.*



Inmate Signature



ADC#



Date

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MAR 17 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Manning, Travis

ADC #: 144583

GRIEVANCE#:EAM14-00503

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is on 2/ 3/2014: you were placed on the yard list but were not given one hour of yard call: On 2/ 4/2014, you were on yard call only 30 minutes when COII Baxter came and got you for disciplinary court; On 2/ 6/ 2014, you were on the yard call list, but was not afforded a yard call: and on 2/ 7/ 2014, you were on the yard call list, but was not afforded a yard call.

After reviewing your appeal and all supporting documentation, I find records indicate you did receive yard call on 02/5/2014 from 7:23 am until 8:26 am, and your name is on the list for yard call on 02/06/2014, but there is no time beside your name, also there is no documentation of you receiving yard call on 02/03/2014 or 02/04/2014; Due to the evidence submitted in your appeal, I concur with the Warden's response.

Appeal denied

However, by way of this response, I will instruct the Unit Warden to forward a copy of Corrective actions taken to my office.


Director

4-14-2014
Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center East Ark. Regional

Name Travis Manning

GRIEVANCE/RECEIVED

ADC# 144583 Brks # 113 Job Assignment Slave

1-24-14 (Date) STEP ONE: Informal Resolution

EAST AR REGIONAL UNIT

1-31-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: This matter is not resolved.

Sgt. Graham the Problem Solver did not try very hard to talk to McInt...

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 1-23-14 & 1-24-14, There was

No heated air circulating in TSO one barracks.

This resulted in me & other inmates having to spend over 36 hours in extreme cold temps. The temp. outside got down to the teens & a chill factor in single digit.

I had to put on all of my spare clothes & cover my head & hands to stay above hypothermia.

We should not be housed in extreme cold temperatures for long periods of time. Told Mental Health, MRS. Wiggins, 1-24-14.

I am left hoarse & shivering... No extra blanket or coat.

Persons involved: E.A.R.U. Maintenance & TSO Max Supervisor on duty during this time frame:

Walking in my cell to stay warm.

RECEIVED

MAR 07 2014

Travis Manning
Inmate Signature

Date

1-24-14

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or his/her designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1-26-14 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form:

Sgt. Mehta Date 1-26-14

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

Sgt. Mehta can not get a response from Markham

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 1-31-14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: M. Smith Date: 1-31-14

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK – Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

IGTT410
3GS

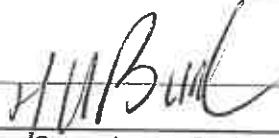
INMATE NAME: Manning, Travis

ADC #: 144583A

GRIEVANCE #: EAM14-00338

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Manning, you grieve there is no heat circulating in one isolation. Your complaint is noted. Per AD 10-16, inmate living quarters should be maintained between 70-74 degrees in the winter and between 74- 78 degrees in the summer except for non-air conditioned living area. Documentation reveals the temperature in isolation one ranged 59 degrees Fahrenheit to 72 degrees Fahrenheit for the week of 01/21/14 until 01/24/14. Mr. Buford has repaired the heating system on 01/24/14 and extra blankets have been given out. This should resolve your complaint.


Signature of Warden/Supervisor or Designee


Title

2/2/14
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? Look, Mr. Burl is trying to Manipulate the Whole TRUTH Again..... He Knows that the Temperature is recorded at day time, When it is the warmest part of the Day; NOT AT 3:00 AM to 6:00 AM when it is the coldest part of a Day..... (LOL)
Mr. Burl, Please STOP playing manipulating GAMES. It was Probably down to 40° Fahrenheit at approx 6:00 AM. If colder..... We were only given an Extra blankets after the fact, of incident was completely Over. "Johnny come Late", Thank you. It is Not resolve, I almost Freeze to Death. I think I Should be compensated for cruel & Unusual Punishment. about \$100.00 Per hour, of coldness/hypothermia endured. Please investigate and see what time the temperature is recorded each day. Most of the time it is only taken at the Front of barracks, at Approx 12:00 PM to 2:00 PM.
Travis Manning 144583 2-27-14

Most of the time it is at least 10° Fahrenheit Colder at rear of ISO one barracks, than at Front side, where Temperature are Recorded. Ask any inmates housed in ISO one during week of 1-21-14 to 1-24-14.
I request a Internal Affairs Investigation. For Month of December and January Temperatures.

RECEIVED

MAR 07 2014

INMATE GRIEVANCE SUPERVISOR 11
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Manning, Travis

ADC #: 144583

GRIEVANCE#:EAM14-00338

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is on 1/23/14 and 1/24/14, there was no heated air circulating in Isolation one barracks, which resulted in you having to spend over 36 hours in extreme cold temperatures.

After reviewing your appeal and all supporting documentation, I find Documentation reveals the temperature in isolation one ranged from 59 degrees Fahrenheit to 72 degrees Fahrenheit for the week of 01/21/14 until 01/24/14. Mr. Buford repaired the heating system on 01/24/14 and extra blankets were given out. Due to the evidence submitted in your appeal, I find your appeal with merit but resolved at the unit level.

Appeal denied


Director4-9-2014
Date

ADMINISTRATIVE SEGREGATION REVIEW RECORD OF RELEASE CONSIDERATION

150 26
Institution EARTH MAN 30 Day Review ☒ Special Consideration ☐
Inmate's Name MANNING Warden's Review ☐ Date of Initial
ADC# 1440183 Director's Review ☐ Assignment
DATE 7/30/14

REASON FOR INITIAL ASSIGNMENT

- ☒ Seriousness of offense resulting in placement in maximum security
☐ Threat to security and good order of institution
☐ Requires maximum protection from themselves or others require maximum protection from them

COMMITTEE MEMBERS

VOTE

COMMITTEE MEMBERS	VOTE
<u>W. Smith</u>	REMAIN <input checked="" type="checkbox"/> RELEASE <input type="checkbox"/>
<u>C. Knowlton</u>	REMAIN <input checked="" type="checkbox"/> RELEASE <input type="checkbox"/>
<u>S. Denson</u>	REMAIN <input checked="" type="checkbox"/> RELEASE <input type="checkbox"/>
<u>L. L. C.</u>	REMAIN <input checked="" type="checkbox"/> RELEASE <input type="checkbox"/>

INMATE'S STATEMENT (CONCERNING RELEASE OR CONTINUED SEGREGATION)

I am stating to getting this
48 hr now plus the other days

PSYCHOLOGICAL EVALUATION RESULTS (See Attached)

ACTION/REASON

- | Continued Segregation | Release from segregation |
|---|---|
| <input type="checkbox"/> Inmate has a rebellious and aggressive conduct, behavior and attitude | <input type="checkbox"/> Inmate is not a threat to the security and good order of the institution |
| <input type="checkbox"/> Inmate has a history of assault on other inmates | <input type="checkbox"/> Inmate has shown improvement in conduct, attitude and behavior since being assigned to segregation |
| <input type="checkbox"/> Inmate has a history of assault on staff personnel | <input type="checkbox"/> Inmate no longer indicates a chronic inability to adjust in the general population. |
| <input type="checkbox"/> Inmate is a threat to the security and good order of the institution | <input type="checkbox"/> Other |
| <input type="checkbox"/> Inmate has been a disciplinary problem since assignment | |
| <input type="checkbox"/> Inmate must regain Class II before being considered for release | |
| <input type="checkbox"/> Inmate has history of threatening other inmates and/or staff personnel | |
| <input type="checkbox"/> Inmate indicates a chronic inability to adjust in the general population | |
| <input checked="" type="checkbox"/> Other <u>After review, I will remain on Ad Seg</u> | <u>Manning after checking</u>
<u>1 year 48 hr was correct</u>
<u>in schedule.</u> |

WARDEN'S REVIEW

- ☐ I have reviewed the above and agree with the Committee's decision
☐ I have reviewed the above and am referring this back to the Committee

WARDEN'S SIGNATURE J. B. Hall

DATE 7/30/14

Original — Records: Pink Copy — Inmate: Blue Copy — Classification Office

Inmate #843-0
Exhibit
A

13

FACILITY:

L02 - East AR Regional Max Unit

REQUESTOR: Cecil D Burnett

RESTRICTION TYPE:

Punitive Isolation

INMATE NAME	ADC #	R	HOUSING	VIOL. DATE	VIOL. TYPE	DAYS	HOW SERVED	START DATE	END DATE	48 HR. REL. START	48 HR. REL. END
Lemons, Tommy Paul	095221B	B	ISOL - MX29	06/06/2014	Major	Consecutive					
Lyda, Joseph Wayne	800131X	I	ISOL - M32L	06/05/2014	Major	165 Consecutive		06/12/2014	11/29/2014	08/12/2014	08/13/2014
Manning, Travis	144583A	P	MAX8 - CB17	05/10/2014	Major	90 Consecutive		06/11/2014	09/11/2014	08/11/2014	08/12/2014
Martin, Kerry Lastun	134745A	B	ISOL - M54L	06/07/2013	Major	420 Consecutive		03/25/2014	06/01/2014	07/26/2014	07/27/2014
Maxfield, Ulysses Seaver	652191C	B	ISOL - MX23	06/25/2014	Major	1,885 Consecutive		08/10/2011	08/06/2016	07/29/2014	07/30/2014
Murray, Michael	135097B	B	ISOL - M51U	07/10/2014	Major	60 Consecutive		07/02/2014	09/01/2014	08/01/2014	08/02/2014
Page, Joe	112993D	B	MAX6 - CB23	06/22/2014	Major	30 Consecutive		07/15/2014	08/14/2014		
Parks, Edward	110330S	B	MAX8 - CB22	05/24/2014	Major	30 Consecutive		07/01/2014	07/31/2014		
Pera, Weymar Jr	141078B	B	ISOL - M55L	09/19/2013	Major	60 Consecutive		05/28/2014	07/28/2014		
Phillips, Justin Ramon	141248A	B	ISOL - M68L	09/18/2013	Major	2,204 Consecutive		02/22/2011	01/10/2016	09/15/2014	09/16/2014
Phillips, Lester	113825C	B	ISOL - MX10	07/13/2014	Major	30 Consecutive		07/16/2014	08/15/2014	08/15/2014	08/16/2014
Powell, Christopher Ray	147982B	B	ISOL - MX04	07/13/2014	Major	30		07/10/2014	08/09/2014		
Reeves, Marvin Leo Jr	119838A	B	ISOL - MX01	07/19/2014	Major	90 Consecutive		07/16/2014	08/15/2014		
Reynolds, Jeremy Joseph	130472D	W	ISOL - M41L	06/21/2014	Major	50 Consecutive		07/25/2014	10/25/2014	08/24/2014	08/25/2014
Rhodes, Kendall Lee	105743A	B	ISOL - M74L	07/01/2014	Major	30 Consecutive		06/18/2014	08/08/2014		
Roberts, Alex S	143981B	B	ISOL - M73L	07/14/2014	Major	30 Consecutive		07/08/2014	08/07/2014		
Robinson, Patrick	105152B	B	ISOL - M62L	07/02/2014	Major	30 Consecutive		07/18/2014	08/17/2014		
Robinson, Tony James	0900374F	B	ISOL - M71L	06/27/2014	Major	30 Consecutive		07/09/2014	08/08/2014		
Savage, Bobby Wayne	104113C	W	ISOL - M75L	01/10/2013	Major	2,100 Consecutive		07/09/2014	08/08/2014		
Sharkey, Zannon	152649A	B	ISOL - M78L	06/26/2014	Major	30 Consecutive		09/14/2011	08/22/2017	08/02/2014	08/03/2014
Shaw, Jeffery Wayne	146396B	B	MAX8 - CB19	04/06/2014	Major	180 Consecutive		07/02/2014	08/01/2014		
Shipman, Jeremy Daniel	133054C	W	ISOL - M34U	07/16/2014	Major	30 Consecutive		01/27/2014	07/31/2014		
Simmmons, Seth Oren	146195A	W	MAX8 - CB20	06/22/2014	Major	30 Consecutive		07/23/2014	08/22/2014		
Sims, Albert	111778D	B	MAX5 - CB29	06/21/2014	Major	30 Consecutive		07/01/2014	07/31/2014		
Smith, Christopher T	152617A	B	ISOL - M80L	03/03/2014	Major	285 Consecutive		07/01/2014	07/31/2014		
Spencer, Luke L	135041B	B	MAX8 - CB08	06/20/2014	Major	30 Consecutive		12/27/2013	10/17/2014	07/31/2014	08/01/2014
Sprinkle, Michael	093025C	B	ISOL - MX27	07/02/2014	Major	30 Consecutive		07/01/2014	07/31/2014		

IGTT430
3GD

Attachment VI

INMATE NAME: Manning, Travis

ADC #: 144583

GRIEVANCE#: EAM13-00358

Inmate Manning, I have received your formal grievance dated 1/28/2013, in reference to you being housed in Isolation I for 24 days on D.C.R. status.

After reviewing your appeal, documentation and statement gathered from staff, I find Documentation reflects you were placed on D.C.R. on 12/22/2012 for a disciplinary. You went to your disciplinary hearing on 01/04/2013, and this disciplinary was thrown out by the Disciplinary Hearing Officer; Records indicate you were not released from DCR, but received another disciplinary on 01/04/2013, for violation of the grooming policy. You remained in your same cell on DCR status until 1/10/2013, without being reassigned to DCR status according to eOMIS. Per AD 02-11 Disciplinary Court Review At no time will an inmate remain on DCR status for more than 14 days. Due to the evidence submitted in your appeal, I find you were assigned to DCR for a period of 19 days which is a violation of policy. Therefore, I find your appeal with merit.

Appeal upheld


Director3-29-2013
Date

15

UNIT LEVEL GRIEVANCE FORM (Attachment I)

GRIEVANCE/RECEIVED

Unit/Center East Ark Regional

FEB 1 2013

Name Travis Manning

EAST AR REGIONAL UNIT

ADC# 144583 Brks # 150-124 Job Assignment 1/A

FOR OFFICE USE ONLY	
GRV. #	<u>EAM13-0158</u>
Date Received:	<u>2-1-13</u>
GRV. Code #:	<u>211</u>

1-22-13 (Date) STEP ONE: Informal Resolution

1-28-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: I was housed in 150-124 for 24 days without a disciplinary pending. Check the records

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): I was housed in 150-124 from Dec. 22, 2012 through Jan. 14, 2013 on D.C.R. This is a total of 24 days on D.C.R. status, which is a violation of A.D.C. Policy to house me in 150-124 for 24 days on D.C.R. status only. No light disciplinary pending. I should have been house in A Max Security barracks. I-B. Until due process was carried out. Therefore, you have deprived me of some constitutional rights & privileges under the Eighth & Fourteenth Amendments.

person involved: Capt. McNary, Max Warden D. Payne, and the persons who move me from Max. 6-10 to 150-124 on approx. Dec. 22, 2012, without a disciplinary pending.

Please show me the disciplinary written before Dec. 22, 2012.
Thank you for your understanding & cooperation.

Inmate Signature

Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 2-23-13 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form:

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date

Describe action taken to resolve complaint, including dates:

Date Received

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 1-21-13 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: Sgt Smith Date: 1-31-13

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

MAR 17 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING (ADC 144583)

CLAIMANT

V.

NO. 15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16 day of March, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Travis Manning (ADC 144583)
East Arkansas Max Unit
PO Box 970
Marianna, AR 72360-0970



LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING (ADC #144583)

Arkansas Claims Commission
Arkansas Claims Commission
OCT 28 2015
RECEIVED
RECEIVED

CLAIMANT

V.

NO. 15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

CLAIM #1: TWO DAYS LONGER IN PUNITIVE ISOLATION

1. Claimant seeks \$3,000.00 for allegedly being held in punitive isolation two days after his time had expired. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6) for the reasons herein. A motion to dismiss should be granted if 'it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief.
2. Claimant was to be released on December 27, 2013. However, he was removed from punitive isolation status on December 28, 2013 at 7 a.m. and changed to administrative segregation. See Exhibit "A". He was kept in the same cell on this status. During this time, he did not have any visitation; therefore he did not miss this privilege. He went to the commissary on December 30, 2013, as permitted on administrative segregation. His property was returned to him because that was the subject of a prior complaint in 14-08720-CC. He received another disciplinary on January 7, 2014, and was put back on punitive isolation status on January 16, 2014 following the disciplinary hearing.

CLAIM #2: DENIAL YARD CALL AND SHORTENED YARD CALL

3. Claimant seeks \$1,600.00 for allegedly being held in punitive isolation two days after his time had expired. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6) for the reasons herein. A motion to dismiss should be granted if 'it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief.
4. Testimony will show that Claimant had yard call on 2/3/14, but chose instead to attend disciplinary court for the disciplinary he received on January 26, 2014.
5. He did have 37 minutes of yard call on February 4, 2014, there is nothing to show why he did not complete the one hour of yard call. Perhaps it was because on this date, 48,000 residents in Arkansas were out of power due to freezing rain. The temperature in the area was 30 degrees with wind chills of 20 degrees and overcast with light freezing rain forecast. Only two inmates in Isolation -1 participated in yard call that morning. See Exhibit "B"
6. On February 5, 2014, he had yard call from 7:23 – 8:26 a.m. the testimony will show. See Exhibit "B"
7. On February 6, 2014, he received yard call. See Exhibit "C"

CLAIM #3: NO HEAT IN ISOLATION FOR 36 HOURS

8. Claimant seeks \$3,600.00 for allegedly being cold in isolation and having to wear extra clothing. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6) for the reasons

herein. A motion to dismiss should be granted if 'it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief.

9. The heat was broken on January 23, 2014 and was repaired the next day. Extra blankets were given out. Mr. Buford, maintenance, will testify that the temperature readings were still within policy.

10. Claimant suffered no medical issues as a result of the mechanical failure. It was remedied as quickly as possible.

11. The "Constitution does not mandate comfortable prisons" or that prisons be "free of discomfort." Rhodes v. Chapman, 452 U.S. 337, 349 (1981). Additionally, only "extreme deprivations" that deny "the minimal civilized measure of life's necessities are sufficiently grave to form the basis" of an Eighth Amendment violation. Hudson v. McMillian, 503 U.S. 1, 9 (1992).

12. Claimant has failed to show and cannot show that the ADC was negligent in the operation of the operation of the heating unit. The response and repair were quick and sufficient.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim filed should be dismissed.

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DISMISS has been served this 26 day of October, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TRAVIS MANNING (ADC #144583)
EAMU
P. O. BOX 970
MARIANNA, AR 72360-0970

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

ADC: 144583

Name: Manning, Travis

1 of 1

Name: Manning, Travis

IJP5010A

ADC #: 144583A PID #: 0132679

Tuesday March 31, 2015 01:13:15 PM

Job/Program Assignments

Job/Program Assignments (01-01-2014)

Date	Facility	Job/Program	Sec	Start Time	Status	As of Date
05/25/2014	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Released	05/27/2014
05/23/2014	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Released	05/23/2014
05/18/2014	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Released	05/21/2014
05/07/2014	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Released	05/07/2014
04/24/2014	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Completed	04/24/2014
03/20/2014	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Completed	03/22/2014
03/18/2014	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Completed	03/18/2014
02/15/2014	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Released	02/15/2014
01/16/2014	East AR Regional Max Unit [L02]	Punitive	001	12:00 PM	Assigned (Temporary)	01/16/2014
12/28/2013	East AR Regional Max Unit [L02]	Admin Segregation	001	07:00 AM	Assigned (Temporary)	12/28/2013
12/06/2013	East AR Regional Max Unit [L02]	Punitive	001	07:00 AM	Assigned (Temporary)	12/06/2013
07/30/2013	East AR Regional Max Unit [L02]	Punitive	001	07:00 AM	Released	07/30/2013
06/14/2013	East AR Regional Max Unit [L02]	Punitive	001	01:00 PM	Released	06/14/2013
05/09/2013	East AR Regional Max Unit [L02]	Punitive	001	07:00 AM	Released	05/09/2013
03/22/2013	East AR Regional Max Unit [L02]	Punitive Restriction	001	07:00 AM	Released	03/22/2013
03/22/2013	East AR Regional Max Unit [L02]	Punitive	001	07:00 AM	Released	03/22/2013
02/14/2013	East AR Regional Max Unit [L02]	Discpl Court Review	001	07:00 AM	Released	02/14/2013
11/22/2012	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Released	11/28/2012
10/22/2012	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Completed	10/22/2012
10/22/2012	East AR Regional Max Unit [L02]	48 Hr Relief	001	12:00 PM	Completed	10/22/2012

Next Page

Prior Page

Show All Jobs/Programs



Exhibit

A

ADC: 144583

Name: Manning, Travis

1 of 1

20

15-0608-CC

Class 1

2-4-14

Yard

A-Max

Iso-I

- 1
- 2
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- 12

LEXIS-NEXIS
www.lexis-nexis.com

LEXIS-NEXIS
www.lexis-nexis.com

(cont)

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8:48A - 9:31A

8:48A - 9:31A

13 Manning, T

144683

ADC
Arkansas Department of Correction
Exhibit
B

23
8
8
0
6
0
8
1

was 1 C-Max 2-5-14

1 [redacted]
13 [redacted] J. Manning 144883 7:23 8:26
16 [redacted] Refused
10 [redacted] Refused

All other inmates not listed refused yard
yard boxes Cpt Butler Sgt Woodard Sgt Smith
Control Booth go J. White

also 1 C-Max 2-6-14

13 J. Manning 144883

All other inmates not listed refused yard
yard boxes
Control Booth go J. White

ADC
Exhibit
C

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 8400.00

Claim No. 15-0608-CC

Travis Manning, #144583

Attorneys Pro se

Claimant

Claimant

vs.

Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

March 11, 2015

Failure to Follow Procedure, Pain &

Date Filed

Type of Claim Suffering

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." The Respondent states that they mailed the "Motion to Dismiss" to both the Claimant and the Claims Commission on October 26, 2015. The Claims Commission received and filed the "Motion to Dismiss" on October 28, 2015. The Claimant had ten (10) working days from October 28, 2015, to submit a response to the "Motion to Dismiss." No response was ever received from Claimant. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing November 12, 2015

Date of Disposition November 12, 2015

Chairman

Commissioner

Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING, ADC #144583

CLAIMANT

V.

NO: 15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO STIPULATE AUTHENTICITY

Arkansas Claims Commis.
NOV 23 2015
RECEIVED

COME NOW the Claimant, Travis Manning, and with his
MOTION TO STIPULATE AUTHENTICITY OF all documents
and, or Exhibits submitted involving Ark State Claims
Case NO: 15-0608-CC

1. Claimant request Stipulation to the Authenticity
of All documents and Exhibits due to the Facts that
Claimant Know that some A.D.C. Employees will
Fabricate and Falsify documents and dates.
2. Claimant request that All documents are Certi-
fied documents and All Copies are correct as daily rec-
ords occurred in Log books and Other records keeping
devices, computers etc.
3. Due to Many Changes of MARKED OUT, WHITE OUTS,
SKIPS and Jumps in ^{DATE} Respondent's Exhibits, of different
handwritings on same Signature Names, The Court
should grant my MOTION TO STIPULATE AUTHENTICITY
Under Ark Rule OF Evidence...and Rule 902(4), Fed. R. Evid.

Respectfully Submitted,
Travis Manning #144583
P.O. Box 970
Marianna, AR 72360

UNIT LEVEL GRIEVANCE FORM (Attachment I) GRIEVANCE/RECEIVED

Unit/Center EAST ARK. RegionalName TRAVIS MANNING

JAN 14 2014

ADC# 144583 Brks # MX 830 Job Assignment EAST ARK REGIONAL UNIT

FOR OFFICE USE ONLY

GRV. # EAM14-00128Date Received: 1-14-14GRV. Code #: 20601-9-14 (Date) STEP ONE: Informal Resolution1-12-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I need to knowwhy I had to stay in the punitive extra day.(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: Staff Woodard fail to get answer.Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On Dec. 26, 2013 I finishedserving my disciplinary punitive in ISO 109. However I was
not moved out of punitive ISO 109 cell, until 12-28-13,
more than one day LATE..... because I went to
disciplinary & received my punitive on 12-11-13-13.
The disciplinary Judge only assigned me 30 day punitive.
So I should have been release from ISO punitive cell
on Dec. 26, 2013.Under NO circumstances should I serve EXTRA Day
or days. A.D. 13-10 inmate disciplinary 14.17 Item 22:person involved: Max Warden Ball, Max Commander, Capt.
McNary, Sgt Cole, Cpl. Robertson.This is unjust and affects me both mentally & physically.Travis Manning

Date

1-9-14

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLYThis form was received on 1-10-14 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health (Yes or No). If yes, name of the person in that department receiving this form: Sgt B. WoodPRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Sgt B. Wood Date Received 1-10-14Describe action taken to resolve complaint, including dates: unable to speak to someone
about the issue during the weekend1-12-14 B. Wood

Staff Signature & Date Returned

Travis Manning 1-12-14This form was received on 1-12-14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).Staff Who Received Step Two Grievance: Sgt B. Wood Date: 1-12-14Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: If forwarded, provide name of person receiving this form: Date:

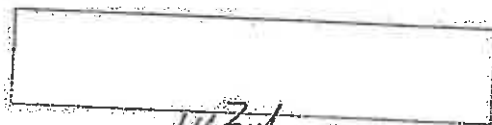
DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back

claimant's Exhibit #1-A15 01 0025

IGTT410
3GSJSC/MX13
Attachment IIIINMATE NAME: Manning, TravisADC #: 144583AGRIEVANCE #: EAM14-00128

WARDEN/CENTER SUPERVISOR'S DECISION

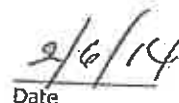
Inmate Manning, you grieve you completed serving your punitive time on 12/26/2013, but you were not moved from the punitive area until 12/28/2013. Your complaint is noted. Documentation reveals you were assigned to punitive time on 11/27/2013 and you were released on 12/27/2013. It also reveals were moved to Max 8/CB 30 on 12/29/2013, which is two days later. I find your complaint merit and corrective action will be taken.



Signature of Warden/Supervisor or Designee



Title



Date

INMATE'S APPEAL

If you are not satisfied with this response, Corrective action within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

Inmate Signature

ADC#

Date

Claimant Exhibit #1-B
15-0608-cc

26

standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

"Special Note:" For those inmates assigned to punitive segregation and under "Treatment Precaution," i.e., Restriction Status or Restraint Status, the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

* C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to 30 days.

Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during 48-hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3.

Commissary purchases may be made by an inmate only if the inmate's 48-hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 48 hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be

Claimant's Exhibit #1-C 27
15-0608-cc

placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.

2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)
3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.
- * 4. Inmates serving consecutive punitive restrictions will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive restriction sentence.
5. Inmates working on their assignments without additional disciplinaries will receive credit toward reclassification (promotion in class) as other inmates working on their assignments. Inmates will not receive a class upgrade while on punitive restriction status.
6. An inmate on punitive restriction who is found guilty of a major infraction of institutional rules by the Disciplinary Hearing Officer will be placed in punitive segregation for the time period required by the sanction. This time imposed is consecutive to any previously imposed punitive sentence unless otherwise ordered by the Warden, or designee.

10-20
10July22

Claimant's Exhibit # 1-D

15-0608-CC

28

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center East ARK RegionalName Travis ManningADC# 144583Brks # 150-109

Job Assignment

NO MONEY NO JOB
NO SLAVE

FOR OFFICE USE ONLY

GRV. # EAM 14-00503Date Received: 2-18-14GRV. Code #: 8032-10-14 (Date) STEP ONE: Informal Resolution2-16-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Sgt Smith is not telling thewhole truth. I got on the yard call list. Check the camera to find out the(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: IIs this Grievance concerning Medical or Mental Health Services? + If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): "Yard Call" week of February 2 2014;On Monday Feb. 3 2014 I got on the yard list but was not give
at least one hour yard call. On Feb. 4 2014 I was on yard call
only 30 mins. When Sgt. Dexter came + got me off for disciplinary
reason. On Feb. 6 2014 I got on the yard call list but was not
afforded a yard call. On Feb. 7 2014 I got on the yard call list
but was not afforded a yard call.Some form of regular outdoor exercise is extremely important to the
psychological and physical well being of inmates. undue restrictions on
"disorder" opportunities for physical exercise may constitute cruel + unusual punish-
ment in violation of Eight Amendment. It was not frightening during any
yard call times. None of the missed yard call was not made up.
This has affected my psychological + physical well being + health. Retaliation.
Person involved: Sgt. Smith, Cpl. Smith, Cpl. Davis, Cpl. Peel, Max Commander, Max
Warden Hall and all other John Doe's, Sgt. Foreman.Staffing Sgt. Manning is present on the list. He is the one who started Step One.
Travis Manning

Inmate Signature

Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLYThis form was received on 2-10-14 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? + (Yes or No). If yes, name of the person in that department receiving this form: M. SmithPRINT STAFF NAME (PROBLEM SOLVER) 72202 ID Number M. Smith Staff Signature 2-10-14 Date ReceivedDescribe action taken to resolve complaint, including dates:

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 2-11-14 (date), pursuant to **Step Two**. Is it an Emergency? + (Yes or No).Staff Who Received Step Two Grievance: Date: 2-16-14Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: 2-16-14If forwarded, provide name of person receiving this form: Date: **DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate After Completion of Step One and Step Two.Clement's Exhibit #2-A

IGTT410
3GS

ISell/MX02

Attachment III

INMATE NAME: Manning, TravisADC #: 144583AGRIEVANCE #: EAM14-00503

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Manning, you grieve on 02/03/2014, 02/04/2014, 02/06/2014, and 02/07/2014, you were not afforded your yard call. Your complaint is noted. Documentation reveals you did receive yard call on 02/5/2014 from 7:23 am until 8:26 am, and you name is on the list for yard call on 02/06/2014, but there is no time beside your name. Also there is no documentation of you receiving yard call on 02/03/2014 or 02/04/2014; therefore, I find your complaint with merit and corrective action will be taken.

[Signature]
Signature of Warden/Supervisor or Designee

Warden
Title

3/10/14
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *I will write the facts down again for all you slow minded people (smile) I was not afforded a yard call 02-03-2014; I was only afforded 30 mins. on 02-04-2014; I was not afforded a yard call 02-06-2014; I was not afforded a yard call on 02-07-2014. End of Statement.*

[Signature]
Inmate Signature

144583
ADC#

3-12-14
Date

Clement's Exhibit #2-B
15-0608-cc

RECEIVED

MAR 17 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

30

IGTT430
3GD

Attachment VI

INMATE NAME: Manning, Travis

ADC #: 144583

GRIEVANCE#: EAM14-00503

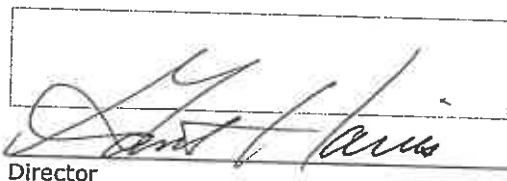
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is on 2/ 3/2014: you were placed on the yard list but were not given one hour of yard call: On 2/ 4/2014, you were on yard call only 30 minutes when COII Baxter came and got you for disciplinary court; On 2/ 6/ 2014, you were on the yard call list, but was not afforded a yard call: and on 2/ 7/ 2014, you were on the yard call list, but was not afforded a yard call.

After reviewing your appeal and all supporting documentation, I find records indicate you did receive yard call on 02/5/2014 from 7:23 am until 8:26 am, and your name is on the list for yard call on 02/06/2014, but there is no time beside your name, also there is no documentation of you receiving yard call on 02/03/2014 or 02/04/2014; Due to the evidence submitted in your appeal, I concur with the Warden's response.

Appeal denied

However, by way of this response, I will instruct the Unit Warden to forward a copy of Corrective actions taken to my office.


Director

4-14-2014
Date

Claimant's Exhibit #2-C

15-0608-CC

31

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.
2. Newspapers/Magazines - Inmates will not be able to receive newspapers or magazines in punitive segregation. During their 48-hour relief, inmates will be allowed to receive the two most current newspapers and magazines on a one-for-one exchange basis.
3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least 24 hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:
 - a. Nature of rule violation.
 - b. No further rule violations while housed in punitive.
 - c. Satisfactory cell inspection reports.

A legal visit may be approved in advance by the Warden/Center Supervisor. This is to be done only when the attorney can justify the urgency of the legal matter prior to the release from punitive status, then only with the consistent need for good security.

- * 4. Exercise – Inmates in punitive segregation will be offered a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.
- a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.
 - b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.
 - c. Exercise periods should be documented. Any imposition of constraint during the exercise period will be justified and documented.

claimant's Exhibit #2-D

15-0608-20

— 32

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center East Ark. Regional

Name Travis Manning

ADC# 144583 Brks # 113 Job Assignment Slave

1-24-14 (Date) STEP ONE: Informal Resolution

1-31-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: This matter is not resolved.

Sgt. Graham the problem solver did not try very hard to talk to me int...

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): ON 1-23-14 & 1-24-14, There was

No heated air circulating in TSO one barracks.

This resulted in me & other inmates having to spend over 36 hours in extreme cold temps. The temp. outside got down to the teens & a chill factor in single digits.

I had to put on all of my spare clothes & cover my head & hands to stay above hypothermia.

We should not be housed in extreme cold temperatures for long periods of time. Told Mental Health, Mrs. Wiggins, 1-24-14.

I am left heart & shivering... No extra blanket or coat.

persons involved: E.A.R.U. Maintenance & TSO Max Supervisor on duty during this time frame:

Walking in my cell to stay warm.

Travis Manning

Inmate Signature Travis Manning Date 1-24-14

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1-26-14 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Sgt. Hahn Date 1-26-14

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: Sgt. Hahn can not get a response from Markham

Sgt. Hahn 1-30-14 Travis Manning 1-31-14

Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 1-31-14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No). Staff Who Received Step Two Grievance: M. Smith Date: 1-31-14

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

Claimant's Exhibit #3-A

FOR OFFICE USE ONLY

GRV. # ELM14-00338

Date Received: 2-3-14

GRV. Code #: 508

GRIEVANCE/RECEIVED

EAST AR REGIONAL UNIT

RECEIVED

MAR 07 2014

INMATE GRIEVANCE SUPERVISOR

Date

ADMINISTRATION BUILDING

Date

Date Received

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Describe action taken to resolve complaint, including dates:

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 1-31-14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: M. Smith Date: 1-31-14

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

33


INMATE NAME: Manning, Travis


ADC #: 144583A

GRIEVANCE #: EAM14-00338

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Manning, you grieve there is no heat circulating in one isolation. Your complaint is noted. Per AD 10-16, inmate living quarters should be maintained between 70-74 degrees in the winter and between 74- 78 degrees in the summer except for non-air conditioned living area. Documentation reveals the temperature in isolation one ranged 59 degrees Fahrenheit to 72 degrees Fahrenheit for the week of 01/21/14 until 01/24/14. Mr. Buford has repaired the heating system on 01/24/14 and extra blankets have been given out. This should resolve your complaint.


Signature of Warden/Supervisor or Designee


Title

2/2/14
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? Look, Mr. Burl is trying to Manipulate the Whole TRUTH Again..... He Knows that the Temperature is recorded at day time, When it is the warmest part of the Day; NOT AT 3:00 AM to 6:00 AM when it is the coldest part of a Day..... (LOL)
Mr. Burl, please STOP playing manipulating GAMES. It was probably down to 40° Fahrenheit at approx 6:00 AM. If colder..... We were only given an extra blanket after the fact, or incident was completely over. "Johnny come Late", Thank you. It is Not resolve, I almost froze to Death. I think I should be compensated for cruel & unusual punishment about \$100.00 per hour, of coldness/hypothermia endured. Please investigate and see what time the temperature is recorded each day. Most of the time it is only taken at the front of barracks, at approx 12:00 PM to 1:00 PM.
Travis Manning
144583
2-27-14

Most of the time it is at least 10° Fahrenheit colder at rear of iso one barracks, than at front side, where temperature are recorded. Ask any inmate, housed in iso one during week of 1-21-14 to 1-24-14.
I request a Internal Affairs Investigation. For month of December and January Temperatures.

RECEIVED

Claimant's Exhibit #3-B
15-0608.CC

MAR 07 2014

34

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Manning, Travis

ADC #: 144583

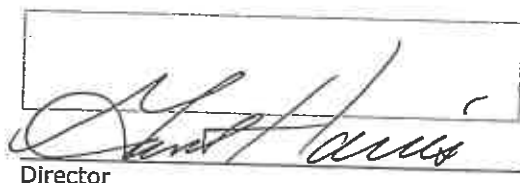
GRIEVANCE#:EAM14-00338

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is on 1/23/14 and 1/24/14, there was no heated air circulating in Isolation one barracks, which resulted in you having to spend over 36 hours in extreme cold temperatures.

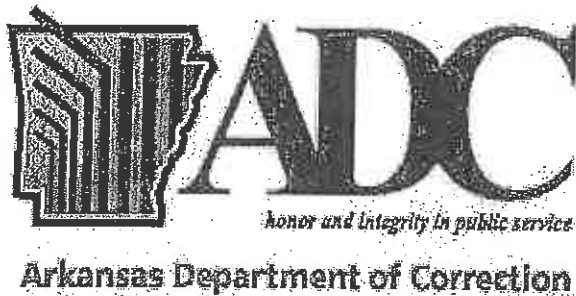
After reviewing your appeal and all supporting documentation, I find Documentation reveals the temperature in isolation one ranged from 59 degrees Fahrenheit to 72 degrees Fahrenheit for the week of 01/21/14 until 01/24/14. Mr. Buford repaired the heating system on 01/24/14 and extra blankets were given out. Due to the evidence submitted in your appeal, I find your appeal with merit but resolved at the unit level.

Appeal denied


Director4-4-2014
Date

Attachment's Exhibit #3-C
15-0608-CC

35



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6200
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Temperature Settings

NUMBER: 10-16

SUPERSEDES: New

APPLICABILITY: All Staff

REFERENCE: AR 841 – Inmate Property Control
AR 407 – Safety and Sanitation

PAGE 1 of 1

APPROVED: Original signed by Ray Hobbs,
Interim Director

EFFECTIVE DATE: 6/11/2010

I. POLICY:

To establish guidelines to follow Governor's Directive regarding indoor working conditions during cold and hot weather for the Department of Correction buildings and facilities.

II. PROCEDURES:

- A. Temperature settings for air conditioning season (summer) are 74-78 degrees for all administrative buildings.
- B. Temperature settings for heating season (winter) are 70-74 degrees for all administrative buildings.
- C. Inmate living quarters should be maintained between 70-74 degrees in the winter and between 74-78 degrees in the summer except for non-air conditioned living areas.

10-16
10June9

Claimant's Exhibit #3.D
15-0608-CC

BEFORE THE ARKANSAS STATES CLAIMS COMMISSION

TRAVIS MANNING (ADC #144583)

CLAIMANT

V.

No: 15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas Claims Commission

NOV 23 2015

RECEIVED

AMEND TO
MOTION TO DISMISS
AND

MOTION FOR RECONSIDERATION

COME NOW the Claimant Travis Manning Move with his AMENDED FACTS and Evidence in support of his Objection to Dismissal and his AMENDED FACTS OF Evidence Supporting Claimant's MOTION FOR RECONSIDERATION OF Claim No: 15-0608-CC.

1. This Claim Plainly States a Claim under which relief can be granted by the Arkansas States Claim Commission; For The Defendants Violated State Laws, Rules, & Regulations of Arkansas Dep't of Correction's Administrative Directives and Administrative Regulations. A.D. 12-24, A.D. 10-16 AREP 12 (b) (6).
B (a) (2) (f)

2. Claimant timely filed and Exhausted his administrative remedies through Proper Grievance Procedures.

3. Claimant was awarded Merits on his grievances, by The Unit Warden and The Deputy Director.

This, The Merits, Constitutes an admission(s) that A.D.C.'s Policies were Violated. Opportunity to be heard, Rule 56.

4. Claimant Plainly States in his original Complaint that he suffered harm (Both Mental + Physical), because People Employed at A.D.C did not follow A.D.'s and A.R.'s.

5. Claimant went through the Proper Court Procedures to Put These Violations BEFORE THE ARKANSAS STATE CLAIMS COMMISSION.

6. This Case No: 15-0608-CC laid DORMANT for Approximately Eight (8) Months prior to Claimant receiving a Notice on October 22, 2015 stating that Claimant had only Four (4) days to get any documentation request, or interrogatories, and Witness List in.
Ark. Rules of Civ. Proc. Rule 4(f) and Rule 5.

7. Claimant responded to Notice on 10-24-2015, by listing two (2) witnesses, submitting additional documents as Evidence of Exhibits.

Claimant also told The Arkansas State Claims Comm. that Ms. A. Dickerson was the Supervisor over E-ARH. Law Library and that she is very slow in making copies of legal document and bring inmates their requested Law Materials. Please allow me more time.
Twyman v. Radiant Glass Co 1932, 56 F.2d 119, 12 U.S.P.Q. A.R.C.P 41.
Ark Rules Civ. Proc. Rule 6(b)(2)

8. The Law Library Staff was late several time in bring me requested copies of Ark Rule of Civil Procedures, (1-20): Fed. Rules of Civil Procedures, (50-57): The Law Library Violated E.A.R.U. Policy 14.06.0

9. The Law Library Staff was late two times on bring me enough copies to meet Court's required numbers of copies must be submitted.

See Evidence of Short Comings, by MS. Dickerson MY request dated 11-7-2015: MS. A. Dickerson ONLY bring me half of the number of copies that I requested and needed to send to your Court.

This IMpedded and stymied ^{me} to meet all pre-set Court deadlines. Rules Civ. Proc., Rule 6(b).

10. Claimant Still Mail a Response to Respo-
* nent Motion TO DISMISS on Nov. 4, 2015 by him
* Pleering his response in E.A.R.U. Legal Mail
Process. Signed and Process by Sgt. Soccer Cole and
his Lt. Supervisor on Nov. 4, 2015; Timely Mailed
to Ark. State Claims Comm. Someone lost MY Legal Mail.

11. Claimant has Filed a Grievance and requested a Complete Internal Affair Investigation into what happen to his Legal Mail. dated Nov. 4, 2015, accepted by Sgt. S. Cole and E.A.R.U. Legal Mail Process.

12. Due to the Obvious Facts that The Law Lib-

very tried to impede my timely response: Due to the facts that Sgt. Soccer Cole, and, or E.A.R.U. Mail Room Staff Lost my timely response.

Also Please be advised that Nov. 11, 2015 was a holiday and should not have been counted as a working day. I received Respondent's MOTION TO DISMISS on 10-29-2015 and I should have been allowed 10 working days to respond, plus 3 days mailing time to reach your office. This creates a timeline of Nov. 16, 2015, before the Commission unanimously dismissed my case #15-0608-CC for the solely failure to respond. A.R.C.P. 6(a)(b)(1)(2)(c)(d).

Wherefore for the reasons stated above and all other evidence ~~of~~ preponderance of evidence; the Ark. State Claim Commission should unanimously follow the Law and rules and Regulations and reinstate my claim, within seven (7) days.

Respectfully Submitted,



Travis Manning

P.O. Box 970

Merianna, AR 72360

cc: Lisa Wilkins, Atty.
P.O. Box 8707
Pine Bluff, AR 71611

This is now a legal

in house mail

INMATE REQUEST FORM

From: Travis Manning #144523

ISO-376 cell. Apr. 11-7. 2015

3 copies
3 originals
6

X.05

45

084

T.O. LAW Library

May I get 6 copies of each legal document enclosed @ by 11-12-2015

15-0608-ce ~~11-12-2015~~

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center East Ark RegionalName Travis ManningADC# 144583 Brks # Max 019 Job Assignment No Money No Job NO SLAVE

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

11-11-15 (Date) STEP ONE: Informal Resolution11-11-15 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I.P.C. Caused Me toMiss Court Hearings Violated A.D. 14-03
(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print): On approx. Oct. 29, 2015, I fileda inmate request to get my legal law paperwork & documents
out of my storage properly inventory, located in 350 #3 storage
room.I fill out my request to the Unit Property Control office
I never heard anything, or any response from E.A.R.H.
Property Control office. I plainly stated on my inmate
request that I had a small claim court case, #15-0608, in
which I need my legal work to meet the court set deadline.
I did not get any of my legal work from E.A.R.H. Inmate Property
Control office. Therefore, they cause me to miss some of the
court's deadlines. Also they violated A.D. 14-03
Person involved: C.A. Davis, C.A. Reale, & my John DoeInmate Signature Travis ManningDate Nov 11, 2015If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 11-12-15 (date), and determined to be **Step One** and/or an Emergency Grievance
(Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name
of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Sgt. GrangerID Number 85777Staff Signature [Signature]Date Received 11-12-15

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned _____

Inmate Signature & Date Received [Signature] 11-12-15This form was received on 11-13-15 (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).Staff Who Received Step Two Grievance: Sgt. Granger Date: 11-13-15Action Taken Forwarded (Forwarded to Grievance Officer/Warden/Other) Date: 11-13-15

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back
to Inmate after Completion of Step One and Step Two.

UNIT LEVEL GRIEVANCE FORM (Attachment D)

Unit/Center East Ark Regional

Name Travis Manning

ADC# 144583

Brks # 829

Job Assignment

No Money No Job
NO STAFF

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

11-12-15 (Date) STEP ONE: Informal Resolution

11-12-15 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why:

to properly supervise staff. I am not a court deadlines.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

ON NOV. 4 2015 I spoke with Capt. McNary at Isolation 376 Cell. I told him that the Unit Inmate Property Control officer had not brought me my legal law paperwork as I requested in order to meet court's deadlines involving small claims # 15-1208-CC. I also showed Capt. McNary my court papers & deadlines.

He said that he would take care of it. After two days I still did not have my legal paper work out of the #3 storage.

I saw Capt. McNary on Nov. 4 2015. I asked him why I had not received my legal paperwork from storage. He responded that

"I told Cpl. Davis to bring you your legal property." I told Capt. McNary "I sure have not got it yet sir." He said again that

he would take care of it. I still did not get it on time and I missed court deadlines. Persons involved: Capt. McNary, C. Davis & Cpl. Bandle. Violated Inmate Property Control Policy At 14-02 I priv-

ed me of my legal work.

Travis Manning Nov. 12 2015
Inmate Signature Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 11-12-15 (date), and determined to be **Step One** and/or an Emergency Grievance

Yes (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form:

Sgt. Ganger 85797 [Signature] 11-12-15
PRIN STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates:

Staff Signature & Date Returned [Signature] 11-12-15

This form was received on 11-12-15 (date), pursuant to **Step Two**. Is it an Emergency? Yes (Yes or No).

Staff Who Received Step Two Grievance: Sgt. B. W. Date: 11-12-15

Action Taken: Forwarded (Forwarded to Grievance Officer/Warden/Other) Date: 11-12-15

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center East Ark Regional

Name Travis Manning

ADC# 144183

Brks # _____

Job Assignment No Money No Job
No Slave

FOR OFFICE USE ONLY

GRV. # _____

Date Received: _____

GRV. Code #: _____

11-13-15 (Date) STEP ONE: Informal Resolution

_____ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

_____, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): ON Nov. 7 2015 I turned in a

* legal request form to Law Library to get six copies of *
some legal documents that I needed as evidence of
exhibits involving small claims court case # 15-0608-CC.

I mainly stated on my legal request that I need
* the 24 (6) copies by 11-12-2015.

* Ms. Dickerson only made me three (3) copies of each
legal document that I needed. Whereby putting me
to not have enough legal copies by 11-12-2015 mailing
deadline set by court rules. I missed my due process.

Ms. Dickerson & staff have violated L.A.R.U. 14.06.0
concerning legal privileged correspondence.

person involved: Ms. M. Dickerson & staff John Doe
I missed my due process, small claims # 15-0608-CC.

Travis Manning
Inmate Signature

11-13-2015
Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 11-13-15 (date), and determined to be **Step One** and/or an Emergency Grievance
(Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name
of the person in that department receiving this form: _____ Date _____

Set L. Williams 11/13/15
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back
to Inmate after Completion of Step One and Step Two.

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center East Bay RegionalName Travis ManningADC# 144583 Brks # Nov 878 Job Assignment No New York Job11-14-15 (Date) STEP ONE: Informal Resolution

(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why:

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print):

On Nov 11, 2015 I mailed a response to Alk. Sarah Hume on a disrespectful A.D.C. Motion to Dismiss. Apparently Sat Cole did not mail my legal mail; because on Nov 11, 2015 the Alk. State Claims Team was on a follow up call that my claim it is now it had been dismissed for claimants failure to respond. Respectfully "Motion to Dismiss" this legal envelope was plainly marked "Legal Mail". Sat. Sarah Cole, Lt Supervisor and Mail Room Staff have violated A.D.C. policy, state laws, postal service laws by not putting my legal mail in U.S. outgoing mail at E.A.R.U. I also had a complete TAMM check attached to my legal mail for postage charge, signed by me & Sat. Cole. I have been deprived of due process and access to court, at pains involved. Sat. Sarah Cole Lt Supervisor, Mail Room Staff, John Dole. A FULL INTERNAL INVESTIGATION REQUESTED.

Inmate Signature Travis ManningDate Nov 11, 2015

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLYThis form was received on 11-14-15 (date), and determined to be **Step One** and/or an Emergency Grievance(Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name

of the person in that department receiving this form:

Date 11-14-15PRINT STAFF NAME (PROBLEM SOLVER) Chris MartinID Number 7800Staff Signature [Signature]Date Received 11-14-15Describe action taken to resolve complaint, including **dates**:

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on (date), pursuant to **Step Two**. Is it an Emergency? (Yes or No).Staff Who Received Step Two Grievance: Date: Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

45

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center East Ark RegionalName Tyavis ManningADC# 144583 Brks # 750-254 Job Assignment No Money No Job
No Slave

FOR OFFICE USE ONLY

GRV. # _____

Date Received: _____

GRV. Code #: _____

11-16-15 (Date) STEP ONE: Informal Resolution(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how you were affected. (Please Print): ON NOV. 7 2015 I TURNED IN A
Law Library request form stating that I need to check
out a copy of "Ark Rules of Civil Procedure 1-20" and I
request to check out a copy of "Ark Rules of Civil Procedure
55-57. For legal research a response to small claims case
15-0208-CC.Ms. Dickerson and staff refuse to bring me the requested
Legal Law work & Court Rules.Ms. Dickerson had already seen and was WELL AWARE that
I had a small claim civil suit in court progress with
short deadlines to meet. Ms. Dickerson & staff have impeded
and delayed my due process. Ms. Dickerson & staff have violated
A DR? Inmate. She has already violated my needs violated and
she was on my inmate list involving small claim # 15-0208-CC
persons involved: Ms. A Dickerson & staff and Ray John DoeTyavis Manning
Inmate SignatureNOV. 15 - 2015
DateIf you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 11-16-15 (date), and determined to be **Step One** and/or an Emergency Grievance
(Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name

of the person in that department receiving this form: _____

ST. DICKERSON
PRINT STAFF NAME (PROBLEM SOLVER)765
ID Number[Signature]
Staff Signature11-16-15
Date Received

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____

Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____

Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 8400.00

Claim No. 15-0608-CC

Travis Manning, #144583

Attorneys Pro se

Claimant

Claimant

vs.

Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

March 11, 2015

Date Filed

Failure to Follow Procedure, Pain &
Type of Claim Suffering

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." The Respondent states that they mailed the "Motion to Dismiss" to both the Claimant and the Claims Commission on October 26, 2015. The Claims Commission received and filed the "Motion to Dismiss" on October 28, 2015. The Claimant had ten (10) working days from October 28, 2015, to submit a response to the "Motion to Dismiss." No response was ever received from Claimant. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

*

Date of Hearing November 12, 2015

Date of Disposition November 12, 2015


Chairman

Commissioner

Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING (A.D.C. #144583

CLAIMANT

V.

15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION FOR SANCTION

COME NOW the Claimant, Travis Manning, Pro-se, with his "MOTION TO SANCTION" the Respondent, Atty. Lisa Mills Wilkins, Pursuant to Arkansas Rules of Civil Procedure Rules 11(a)(b) and 26(e).

1. ON NOV. 5, 2015, Claimant certify that he mail Respondent a copy of his response of The Respondent's MOTION TO DISMISS by placing his response into a pre-paid stamped envelope address to Ark. Dept. of Correction, C/O Lisa Mills Wilkins, Atty., P.O. Box 8707, Pine Bluff, AR. 71611.
2. Claimant's Response to the Motion to Dismiss reached Respondent's Atty. Lisa Mills Wilkins no later than Nov. 8, 2015, in a timely matter before Court Rule deadline of ten (10) days from Oct. 28, 2015; and in a timely fashion before Arkansas State Claims Commission dismissed Claim #: 15-0608-CC on Nov. 12, 2015. Hodges V. Cannon, 1999 5 S.W. 3d 89, 68 ARK. APP. 170.
3. IN ACCORDANCE with Ark Rules of Civil Procedure, Rules 11(a)(b) and 26(e) The Respondents should have supplemented

this prudent information to the Court to prevent unnecessary delay or needless increase in the cost of litigation. Instead Respondents withheld or concealed this info. also violating Ark. Rules of Professional Conduct 3.2.

WHEREFORE for the reasons stated above The Claimant's Motion to SANCTION should be filed and granted if the Respondents fail to abide by Ark Rule of Civil Procedure 11(c)(6) and 26(e); within 21 days.

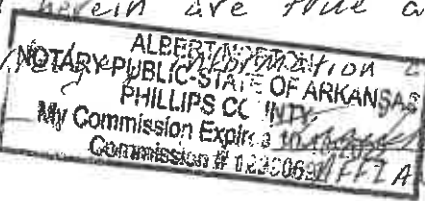
Respectfully Submitted,
Travis Manning
Travis Manning #144583
P.O. Box 470
Marianna, AR 72360

cc: Atty. Lisa Mills Wilkins
P.O. Box 8707
Pine Bluff, AR 71611

I certify that a copy of the Motion to SANCTION has been served this 26 day of NOV 2015 on the Atty. Lisa Mills Wilkins by placing a copy of same in U.S. Mail, regular postage; to her above address.

I further swear that the Statements, Matter, and things contained herein are true and accurate to the best of my knowledge and belief.

26 NOV 2015
DATE



Travis Manning #144583
PLAINT

SUBSCRIBED AND SWORN TO BEFORE ME a Notary, on this 26 day of NOV, 2015

MY Commission EXPIRES: 10-18-2022

Albert Manning
NOTARY PUBLIC

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING (A.D.C. #144583) CLAIMANT

V. NO. 15-D608-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

SUPPLEMENTAL AMENDMENTS
TO
MOTION FOR RECONSIDERATION

Arkansas Claims Commission

DEC 07 2015

RECEIVED

COME NOW the Claimant, Travis Manning, Pro-Se With his SUPPLEMENTAL AMENDMENTS TO MOTION FOR RECONSIDERATION with his most lately and new Evidence and Facts of Law stated as follows:

1. DEFAULT DISMISSAL should not be granted if failure to respond timely, was due to excusable neglect, unavoidable casualty, or other just cause. See Hensley v. Brown 1981 2 ARK. APP. 175, 617 S.W.2d 867 Key [2] enclosed;

* Markings-

2. Claimant certify that he Mail a timely response to ARK STATE CLAIMS COMMISSION, 101 E. Capitol Ave., Suite 410, Little Rock, AR 72201-3823 by placing his timely response into E. A. R. Legal Mail System; signed and sealed by Sgt. ~~Sacer~~ Cole November 4, 2015.

3. Claimant further attest that he also Mailed a COPY of his timely response to Atty. Lisa Mills Wilkins, P.O. Box 8707, Pine Bluff, AR 71611.

18.10.15

4. Claimant request that ARK STATE CLAIMS Commission look at date and time that Sgt. S. Cole enter Claimant's Legal Mail into Log Book Records at E.A.R.U. on November 4, 2015. Also Check Sgt. Cole Signature + Date on back Seal of this Legal Mail Envelope. Nov. 4, 2015.
5. Claimant request that ARK State Claim Comm. look at date + time his Legal Mail Envelope was Post Marked by E.A.R.U. Mail Room and U.S. Postal Service. This is a meritorious defense. Rule 60(c)(7)(D)
6. Claimant also Motion For Correct Calculation of tolling time under ARK. Rules of Civil Procedure, Rule 6 (a) (b) (c) (d) Rule 56(c) and 59(d) including Rule 5(b)(2).
7. Claimant would like to invoke ARK Rule of Civil Procedure, Rules 6(b) 12: 55(a): ARK. Act 53 of 1957: ARK. Stat. Ann. § 29-401 (Repl. 1962) Perry v. Bale Chevrolet Co., 263 Ark. 552 556 S.W. 2d 150 (1978)
8. Rule 55(b) Provides that "no judgment by default shall be entered against an infant or incompetent person" and it also provides for three days written notice before a default judgment can be entered against a Party who has appeared.
9. The Failure of the Post Office to deliver my Legal Mail on time would constitute excusable neglect, unavoidable casualty or other just cause. ARK Rules of Civil Procedures Rules 55a, 55b).
10. Claimant would like to submit a copy of his

Original and Timely Response to "Motion To Dismiss" Notarized by Sgt. Secker Cole on November 4, 2015 and Mailed by Sgt. Secker Cole on November 4, 2015, with adequately time to reach Ark State Claims Commission before deadline of November 12 or 13th, 2015. I also Mailed a Copy of my response to Atty. Lisa Mills Wilkins adequately time and correct address. Please ask Lisa Mills Wilkins to certify if she received a Copy of my Response to Motion to Dismiss within time limit deadline, Nov. 13, 2015.

WHEREBY for the above reasons stated and previous Claimant's Timely Response, Claimant's AMENDMENTS TO MOTION TO DISMISS, MOTION FOR RECONSIDERATION, and Claimant SUPPLEMENTAL AMENDMENTS TO MOTION FOR RECONSIDERATION The Arkansas State Claims Commission must by Law of Ark Rules of Civil Procedure Unanimously reinstate Claim NO. 15-0608-CC. immediately to avoid Mandamus WRIT. ARCP 20 (a) (1) (2).

RESPECTFULLY Submitted,
Tamm Mann #144523
P.O. Box 970
Marianna, AR 72360



I further swear that the Statements, Matters, and things contained herein are true and accurate to the best of my knowledge information and belief.

NOV. 24, 2015
DATE

Tamm Mann #144523
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME a Notary, on this
24 day of November 2015

My Commission Expires: 10-18-2022
10-30-13

Cleaster Dean
NOTARY PUBLIC

2 Ark. App. 175, 617 S.W.2d 867

Court of Appeals of Arkansas.
 E. O. HENSLEY and Doris Hensley, Appellants,
 v.
 Roger BROWN, Appellee.

No. CA81-58.
 July 1, 1981.

Pedestrian brought action against operator of vehicle for injury sustained when pedestrian was struck by vehicle. After driver filed no answer or other pleadings within requisite time, pedestrian filed motion for judgment on question of liability and gave driver notice of date motion was set for hearing. Driver filed response, alleging that his attorney mailed answer. Default was denied and issues of liability and damage were subsequently presented to jury in the Circuit Court, Cleburne County, Leroy Blankenship, J., which returned verdict for pedestrian for \$1,000, and pedestrian appealed alleging that trial court did not have discretionary authority to deny default judgment. The Court of Appeals, Mayfield, C. J., held that pedestrian failed to demonstrate that court was in error in denying default judgment.

Affirmed.

Cloninger, J., concurred and filed opinion.

West Headnotes

Pedestrian brought action against operator of vehicle for injury sustained when pedestrian was struck by vehicle. After driver filed no answer or other pleadings within requisite time, pedestrian filed motion for judgment on question of liability and gave driver notice of date motion was set for hearing. Driver filed response, alleging that his attorney mailed answer. Default was denied and issues of liability and damage were subsequently presented to jury in the Circuit Court, Cleburne County, Leroy Blankenship, J., which returned verdict for pedestrian for \$1,000, and pedestrian appealed alleging that trial court did not have discretionary authority to deny default judgment. The Court of Appeals, Mayfield, C. J., held that pedestrian failed to demonstrate that court was in error in denying default judgment.

[1] ☒ KeyCite Citing References for this Headnote

Blankenship, J.

228 Judgment

228IV By Default

228IV(A) Requisites and Validity

228k92 k. Nature of Judgment by Default.

Granting of default judgment on issue of liability is not matter of discretion where no answer or other pleading is timely filed.

[2] ☒ KeyCite Citing References for this Headnote

228 Judgment

228IV By Default

228IV(A) Requisites and Validity

228k105 Default in Pleading

228k106 Failure to Plead in General

228k106(1) k. In General.

* Court does not have discretion to excuse failure to file timely answer or other pleading and refuse to grant default judgment; if failure to file, however, was due to excusable neglect, unavoidable casualty, or other just cause, judgment by default should not be granted.

[3] ☒ KeyCite Citing References for this Headnote

228 Judgment

228IV By Default

228IV(A)

228k105

228k106

228k106(1)

228IV(A) Requisites and Validity
228k105 Default in Pleading
228k105.1 k. In General.
 (Formerly 228k105)

Judgment should not be granted against defendant who has not timely answered if action is against several defendants jointly and one of them has filed timely answer which asserts defense common to all.

[4] ☒ KeyCite Citing References for this Headnote

228 Judgment
228IV By Default
228IV(A) Requisites and Validity
228k110 Operation and Effect of Default
228k112 k. Matters Admitted.

Default admits only those facts alleged in complaint and judgment should not be granted for relief which alleged facts did not warrant.

[5] ☒ KeyCite Citing References for this Headnote

228 Judgment
228IV By Default
228IV(A) Requisites and Validity
228k110 Operation and Effect of Default
228k113 k. Right to Notice of and Participation in Subsequent Proceedings.

Even where default judgment on issue of liability is granted, amount of judgment must be established and defaulting defendant has right to cross-examine witnesses and introduce evidence in mitigation of damages. Rules of Civil Procedure, Rule 55(b).

[6] ☒ KeyCite Citing References for this Headnote

30 Appeal and Error
30X Record
30X(M) Questions Presented for Review
30k707 Judgment
30k707(1) k. In General.

Even though record did not show why court denied pedestrian's motion for default on issue of liability in action brought against driver of automobile for damages arising out of accident in which pedestrian was struck by vehicle, where, if driver's allegation with regard to mailing of his answer were believed so that failure of Post Office to deliver letters would constitute excusable neglect, unavoidable casualty, or other just cause, pedestrian failed to demonstrate that trial court was in error in denying motion for default. Rules of Civil Procedure, Rules 6(b), 12.

****868 *176** Leon Reed, Heber Springs, for appellants.

Robert Sharp Gunter, Little Rock, for appellee.

MAYFIELD, Chief Judge.

Appellant E. O. Hensley, a pedestrian, was struck by a vehicle operated by appellee Roger Brown. In an action filed by appellants for damages, service was had on appellee on June 2, 1979. On July 25, 1979, no answer or other pleading having been filed by appellee, appellants filed their motion for

judgment on the question of liability. And, although Rule 55(b) of the Rules of Civil Procedure did not require it, appellants gave appellee notice of the date the motion was set for hearing. On August 2, 1979, appellee filed a response, alleging that on June 15, 1979, his attorney mailed an answer to the clerk, with a copy to each of two separate attorneys representing appellants. The attorneys and clerk filed affidavits denying they received the answer. There is nothing else in the record pertaining to appellants' motion except a copy of the court's docket entry on September 27, 1979, showing "Default denied."

The issues of liability and damages were subsequently presented to a jury on March 5, 1980, and the jury returned the verdict for appellants for \$1,000. Apparently not satisfied *177 with that amount, the appellants appeal and argue that the granting of a default judgment on the issue of liability was mandatory and that the trial court did not have any discretionary authority to deny it.

[1] ☒ We agree that the granting of a default judgment on the issue of liability is not a matter of discretion where no answer or other pleading is timely filed.

* In the first place, Rule 12 of the Arkansas Rules of Civil Procedure provides that a defendant shall file his answer within twenty (20) days after service of summons. Rule 6(b) provides that where an act is required to be done within a specified time, the court may, after the expiration of that period, order the time enlarged where the failure to act was the result of excusable neglect, unavoidable casualty, or other just cause.

* In the second place, Rule 55(a) provides: "When a party against whom a judgment for affirmative relief is sought has failed to appear or otherwise defend as provided by these rules, judgment by default shall be entered by the court." Reporter's Note 1 to Rule 55 says it "generally follows prior Arkansas law" and in Walden v. Metzler, 227 Ark. 782, 301 S.W.2d 439 (1957), the court sustained the granting of a default judgment where the answer was not filed in time and said in view of the language of Acts 49 and 351 of 1955, "We cannot sustain the appellant's contention that the courts still have unlimited discretion to grant further time to a defendant already in default." And in Moore, Adm'x. v. Robertson, 242 Ark. 413, 413 S.W.2d 872 (1967), the court, referring to Walden, said: "We held that the 1955 statutes were mandatory in requiring a defendant to plead within the time fixed by law." The court did point out, however, that Act 53, of 1957, relaxed the strictness of the 1955 acts by providing that: "Nothing in this act shall impair the discretion of the court to set aside any default judgment upon showing of excusable neglect, unavoidable casualty, or other just cause."

* Act 53 of 1957 and Act 49 of 1955 were codified as part of Ark.Stat. Ann. s 29-401 (Repl.1962) and that section was *178 before the court in Perry v. Bale Chevrolet Co., 263 Ark. 552, 566 S.W.2d 150 (1978), where the trial court had granted a default judgment. In reversing that judgment, the Supreme Court referred to several cases where the circumstances were said to be sufficient to avoid the "harshness of a default judgment" because of excusable neglect, unavoidable casualty, or other just cause, and said, "Under the circumstances of this case, we hold that the filing of a typewritten **869 answer only one day late was attributable to excusable neglect or other just cause."

[2] ☒ It is, therefore, our view that a court does not have the discretion to excuse the failure to file a timely answer or other pleading and refuse to grant a default judgment. If the failure to file, however, was due to excusable neglect, unavoidable casualty, or other just cause, judgment by default should not be granted.

[3] ☒ [4] ☒ There are other situations where as a matter of law not discretion judgment against a defendant in default is not authorized. For example, judgment should not be granted against a defendant who has not timely answered if the action is against several defendants jointly and one of them has filed a timely answer which asserts a defense common to all. Firestone Tire & Rubber Co. v. Little, 269 Ark. 636, 599 S.W.2d 756 (Ark.App.1980). Furthermore, a default admits only those facts alleged in the complaint and a judgment should not be granted for relief which the alleged facts do not warrant. Kohlenberger v. Tyson's Foods, 256 Ark. 584, 510 S.W.2d 555 (1974). Rule 55(b) provides that "no judgment by default shall be entered against an infant or incompetent person" and

* it also provides for three days written notice before a default judgment can be entered against a party who has appeared.

[5] ☒ Even where a default judgment on the issue of liability is granted, the amount of the judgment must be established and the defaulting defendant has the right to cross-examine witnesses and introduce evidence in mitigation of damages. Kohlenberger, supra. And it may be necessary to establish some other fact before judgment can be entered. Rule 55(b), in dealing with these matters, provides:

* ***179** If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings as it deems necessary and proper and may direct a trial by jury.

[6] ☒ So while we agree with the appellants that the granting of a default judgment on the issue of liability is not a matter of discretion where no answer or other pleading is timely filed, this does not mean that the trial court was in error in this case. If the appellee's allegations with regard to the mailing of his answer were believed, then the failure of the post office to deliver the letters would constitute excusable neglect, unavoidable casualty, or other just cause. The record does not show why the court denied the appellants' motion for default but it is their burden to demonstrate that the court was in error. Peoples Protective Life Ins. Co. v. Smith, 257 Ark. 76, 89, 514 S.W.2d 400 (1974). We do not find that this has been done.

Affirmed.

CLONINGER, J., concurs.

COOPER, J., not participating.

CLONINGER, Judge, concurring.

I concur in the result reached by the majority, but I disagree with its reasoning.

The majority cites no Arkansas case dealing with the issue before the Court which was decided subsequent to the adoption of the Arkansas Rules of Civil Procedure. Both Perry and Burns, relied upon by the majority, were decided on the basis of Ark.Stat. Ann. s 29-401 (Repl.1962) and prior to July 1, 1979, the effective date of the Rules of Civil Procedure.

Section 29-401 provided only that a default judgment should be rendered only if there was no timely appearance or ***180** pleading; Rules of Civil Procedure, Rule 55(a) makes that same provision, but Rule 55(b) adds a new dimension, providing:

* Manner of entering judgment. The party entitled to a judgment by default shall apply to the court thereof ... If, in order to enable the court to enter judgment or to carry it into effect, it is necessary ... to establish the truth of any averment by evidence or to make an investigation of any other matter, the ****870** court may conduct such hearings as it deems necessary and proper and may direct a trial by jury.

* Rule 55(a) appears to make the entering of a default judgment mandatory when the defendant fails to plead or appear, but Rule 55(b) immediately authorizes the court, for any of the reasons enumerated, to conduct such hearings as it deems necessary and proper and may direct a trial by jury.

The only question on this appeal is whether the trial court was in error in denying appellant's motion for default judgment. Rule 55(c) has no bearing on the issue before the Court, because Rule 55(c) deals only with the power of the court to set aside a default judgment previously entered.

On appeal, the decision of the trial court will not be disturbed unless there is an abuse of

discretion. Because of the state of the record in this case it is impossible to discern whether the trial court abused its discretion in denying the motion. The record contains no order; only the meager docket entry, "Default denied."

It appears unlikely that the trial court accepted the explanation of the attorney for appellee that the answer mailed to the clerk and the two copies mailed to appellant's attorneys were all lost in the mail, but the trial court exercised its discretion in presenting all the issues to the jury, and we are presented with no evidence that the court's discretion was abused. I would hold that in the absence of a showing that the trial court abused its discretion we must presume that there was no abuse. Since there is nothing in ***181** the record before us which indicates the trial court erred I would affirm the judgment.

Ark.App., 1981.

Hensley v. Brown

2 Ark. App. 175; 617 S.W.2d 867

trial

END OF DOCUMENT

It appears that the answer mailed to the clerk and the two copies mailed to appellant's attorneys were all lost in the mail, but the trial court exercised its discretion in presenting all the issues to the jury, and we are presented with no evidence that the court's discretion was abused. I would hold that in the absence of a showing that the trial court abused its discretion we must presume that there was no abuse. Since there is nothing in the record before us which indicates the trial court erred I would affirm the judgment.

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Ark.
Hensley
v.
Brown
2 Ark. App.
175; 617 S.W.2d 867

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Ark.
Hensley
v.
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2 Ark. App.
175; 617 S.W.2d 867

Before THE ARKANSAS STATE CLAIMS COMMISSION

TRAVES MANNING

v.

CLAIM NO. 15-0608-CC

CLAIMANT

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

CLAIMANT'S RESPONSE TO MOTION
TO DISMISS

CLAIM NO 1: EXTRA PUNISHMENT IN PUNITIVE ISOLATION

1. Respondents admits that I was kept in Punitive Iso at least one day longer than required, by stating in her Motion to Dismiss that I should have been release on December 27, 2014: But was not release until December 28, 2014.
2. Supervisors John Doe's and records keepers should be held liable for me ~~having~~^{forced} to stay two extra days in punitive isolation, because they violated A.D.C. policy on the maximum number ^{days} an inmate spend in punitive isolation; and then he get a 48 hour relief, A.D. Inmate Punitive Segregation Policy, 12-24.
3. Claimant was deprived of ~~48 hour~~ timely 48 hour relief including privileges such as T.V. News, Radio News, Sports, Books, Magazines, Coffee, Candy, Chip. on December 27-28, 2014. WALTER V. GROSSHEIM, 990 F.2d 381, 385 (8th Cir. 1993) Damages award was properly based on careful assessment of the loss privileges resulting from improper retention in a restrictive status. Kerman V. City of New York, 374 F.3d 93, 125 (2d Cir. 2004)...

an award of several thousand may be appropriate simply for several hours' loss of Liberty (48 relief Liberty).

Heys v. Faulkner County Ark. 388 F.3d 669, 673-75 (8th Cir 2004)
affirming damages of \$50,000. for 38 days in Jail.

4. Claimant Object to Respondent's Exhibit "A"; and request an Internal Affair Investigation to see if the document is the Original authentic records of Ark Dept. of Corr. East Ark. Regional Unit, Isolation one Control booth and records of daily cell assignments. NOTICE SKIPS or Jumps in dates of Exhibit "A" from 07/30/2013 to 12/06/2013 almost Five Months missing or deleted. This establishes a lack of adequate records keeping and need to be fully investigated by Internal Affairs for any falsifying documents.

YARD CALL DENIAL
Claim NO 2: ~~NO HEAT IN ISOLATION FOR 36 HOURS.~~

5. Respondent admits to a Shortened yard call on February 4, 2014; and No yard call on February 3, 2014.

6. Notice that Exhibit "B" has nothing to support Yard Call on February 5, 2014. Exhibit "B" have only February 4, 2014 date on it. Therefore, I object to Exhibit "B" being admitted as evidence.

Also Perhaps 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, B Cells in consecutive order was not on yard call list for February 4, 2014. The Rover, The Sgt, & Supervisor should be held liable for the missing yard calls. Please investigate

Original authentic Log Book, week of February 2, 2014.

7. Claimant will testify and prove that he got the right and should have the Privilege to go to Yard Call for 1 hour and any disciplinary Court on same day. A.D.C. policy was violated. I suffer psychological damages.

8. Exhibit "C" have two different handwriting on it. Notice handwriting on 2-5-14 and compare handwriting on 2-6-14. Both dates signed by T. White. Claimant objects to Exhibit (C) authenticity because of all the Mark outs, White outs, Changing of document, which should cause it to be inadmissible as a authentic document under rules of Evidence...

CLAIM NO 3: NO HEAT IN ISOLATION FOR 36 HOURS

9. A Prisoner must be provided with "Shelter which does not cause his degeneration or threaten his Mental and Physical well being. see Gorden v. Faber, 973 F.2d 686, 687-88 (8th Cir. 1992). The outside temperature dropped down to the Teens + Low 20° on January 23, + 24, 2014, with a wind Chill factor of 12 degrees at East Ark. Regional Unit. I suffer extreme cold for 36 hours. Palmer v. Johnson, 197 F.3d 346, 352-54 (5th Cir. 1999).

10. Warden Burl, Or Mr. Buford, Maintenance Supervisor, Subjected me to extreme cold on January 23, 24, 2014. Therefore they should be liable for compensation because they violated Ark. Dept. of Corr. policy A D 10-16 in effect at this time of incident, and did not record

temperature during this night, January 23, 24, 2014.
Hudson v. McMillian 503 U.S. 112 6.Ct. 995, ... Ambiguous...

WHEREBY, with my grievances, All admissions by
the respondents, that heating system in isolation was
broke on Jan. 23, 24, 2014, and other admissions by
respondents that my right & privileges were denied;
and for the reasons stated above in this certified
and verified response, none of the above ^{claims} should be
dismissed. As a Pro-se Mental Health Claimant, I
have a due process right to be heard; and I should not
be required, or expected to meet the same level
of obligations as a license Attorney.

Respectfully submitted,
Traubmann
A.D.C. # 144583
P.O. Box 970
Marianna, AR 72360

I further swear that the statements, matters, and
things contained herein are true and accurate to the
best of my knowledge, information and belief.

NOV-01-2015
DATE

Traubmann 144583
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary, on
this 01 day of NOV, 2015.

Seccer Cole
NOTARY PUBLIC

My Commission Expires: DEC. 01 2017

pg. 4 of 4



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TRAVIS MANNING (ADC #144583)

CLAIMANT

V.

NO. 16-0608-CC - *Wrong Case Number*

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


RESPONDENT'S MOTION TO STRIKE

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO STRIKE, states and responds as follows:

1. Claimant filed a Motion for Sanctions alleging Respondent did not supplement some information, but does not state what it is. Regardless, this case was dismissed on November 12, 2015.
2. Respondent moves to strike this Motion as frivolous and immaterial and a waste of the commission's time and resources.

WHEREFORE, for the reasons and evidence stated, the Declaration should be stricken.

Respectfully submitted,
Department of Correction Office of Counsel


LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of MOTION TO STRIKE has been served this 9 day of December, 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TRAVIS MANNING (ADC #144583)
EARU
P. O. BOX 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 8400.00

Claim No. 15-0608-CC

Travis Manning, #144583

Attorneys Pro se

Claimant

Claimant

vs.

Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

March 11, 2015

Date Filed

Type of Claim

Failure to Follow Procedure, Pain & Suffering

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's November 12, 2015, order remains in effect.

IT IS SO ORDERED.

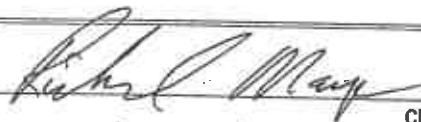
(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's November 12, 2015, order remains in effect.

Date of Hearing December 10, 2015

Date of Disposition December 10, 2015



Chairman



Commissioner



Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

63

Travis Manning #144583
P.O. Box 970
Marianna, AR 72360

December 11, 2015

Arkansas State Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

Arkansas Claims Commission

DEC 21 2015

RECEIVED

RE: Filing and Stamping received ^{DATES} on All my Motions,
Documents, Exhibits, Citations, and Letters:

THIS IS MY APPEAL TO NEXT LEVEL/COMMITTEE:

Dear Ms. Wade, : MOTION FOR APPEAL: Rules A.C.A.R. 6(6)(5)(C)
A.C.A.R. 12

I am writing you + The Ark. State Claims Commission
to request that your office file and stamp the dates
that you receive any and all my MOTIONS, DOCUMENTS,
EXHIBITS, CITATIONS, and LETTERS into your office;
in order that I may have a MARKED-FILED COPY OF
All documents submitted to your Commission, for
my records; Also for any future needs.

Could you tell me the reason your Court Clerk did
not Mark-File + Stamp all my documents when I
sent them to your office/court the first time?

I am mailing your Court ~~forty-five (45)~~ ⁴⁵ Legal Doc-
uments to be Marked-Filed + Stamped for Evidence of Appeal.

Sincerely,

Travis Manning
Travis Manning

P.S. Please make copies for the
Appeal Committee; or please
return marked-file copies to

BEFORE ARKANSAS STATE CLAIMS APPEAL COMMITTEE

TRAVIS MANNING (A.D.C. #144583)

CLAIMANT

V.

CASE #: 15-0608-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION FOR APPEAL

COME NOW the Claimant, Travis Manning, Pro-Se, With his MOTION For Appeal before The Ark. State Claims Appeal Committee Pursuant to Ark. Rules of Civil Procedure, Rule 6(c)(6) and Rule 55(c); Rule 12(a) 56(c) 59(d) Also Ark Rule of Professional Conduct 3.2 etc.

1. Supreme Court intruded by rule governing default in case of service by mail to implement a procedure to insure that defendant is served and receive notice before a judgment is rendered against him. Rules of Civil Procedure, Rule 4(i). Watling Ladder Co. v. Aldridge, 1981 3 Ark. App. 27, 621, S.W. 2d 499, affirmed 275 Ark. 225, 628 S.W. 2d 311

2. Court does not have discretion to excuse failure to file timely answer or other Pleading and refuse to grant default judgment; However if failure to file was due to excusable neglect, unavoidable casualty, or other Just cause, judgment by default should not be granted. Hensley v. Brown, 1981, 2 Ark. App. 175, 617 S.W. 2d 867. See

attached Law Citation, enclosed. A.D.C. Employees held my indigent Legal Mail Eight (8) days; beyond my control, stymieing my Access & Due Process to Court.

3. Claimant Certify and Verify that he Responded to the Respondant's MOTION TO DISMISS on November 1, 2015 by having Sgt. Soccer Cole, a Notary Public, to Notarizes his Object^{ions} and answer to the MOTION TO Dismiss. Sent his Original Response to East Ark. Regional Unit Law Library for the Court's Required number of Total Copies Six (6).

4. Claimant received his Copies of his Response to the MOTION TO Dismiss on Nov. 4, 2015; and Place his Response and Five (5) Copies into East Ark Regional Unit Mail System; addressed to Arkansas State Claim Commission, 101 East Capitol Ave., Suite 410, Little Rock, AR 72201-3823.

By Placing My Response to The MOTION TO Dismiss into E.A.R.U. Legal Mail System on November 4, 2015; This constitutes a Timely Response, under the "Prison Mailbox" rule, a Prisoner's complaint would be deemed file when it is delivered to Prison officials for Mailing. Schoenlein v. Halawa Correctional Facility 2008 WL-4761791, *3-5 (D. Haw., Oct. 29, 2008).

THE SUPREME COURT held that a Pro se Prisoner's Notice of appeal is deemed filed on the day it is delivered for mailing to Prison authorities, rather than applying the usual rule that it is Filed the day

it arrives at court. Since the litigant loses control over the notice as soon as he turns it over to prison personnel. Rule 6 Fed. R. Civ. P. see Houston v. Lack, 487 U.S. 266, 273-76, 108 S. Ct. 2379 (1988) See Stoot v. Cain 576 F.3d 669 671-72 (5th Cir. 2009) and cases cited (rule applies to papers given timely to prison authorities for mailing even if they never reach the court).

The Houston v. Lack, 487 U.S. 266, 273-76, 108 S. Ct. 2389 (1988) rationale applies to rule 59(e) Fed. R. Civ. P. Motion for Reconsideration. Also see Grady v. U.S. 269 F.3d ~~713~~ 913, 918 (8th Cir. 2001). Sulik v. Taney County, Missouri, 361 F.3d 813, 814 (8th Cir. 2003)

5. Claimant Appeal is also base on Rule 60(b) and Rule 55(c), (did not seriously prejudice the respondents). and under A.R.C.P. 60 (b) (b): The E.A.R. U. Mail system held my legal ~~at~~ indigent mail over eight (8) days before they approved it to be mailed.

I am Faultless in the delay... See Pioneer Inv. Service Co. v. Brunswick Associates Ltd. Partnership 507 U.S. 380, 113 S. Ct. 1489 (1993).

6. Claimant knows that Atty. Lisa Mills Wilkins and A.D.C. Respondents intentional Impeded and Symmied my Indigent Legal Mail, in order to Cause my Case #: 15-0608-cc to be dismissed; and The Ark. State Claims Comm. dismissed my Case # 15-0608-cc before The Forty(40) days deadlines were up for Motion

FOR Reconsideration. WHY? TO deny Justice.
I am not the only Inmate that Who's State Claims
Cases have been dismissed by using this deceitful
Manipulation; Sanction must be granted to stop or
discourage the injustice and EXTRA Cost Court Process;
Their Actions Violates The Professional Code of Conduct.

WHEREFORE for all the reason stated above and all
the Laws of Policies and Laws of State of ARKANSAS,
Federal Laws, Local, State, Federal U.S. SUPREME
COURT'S Decision; I ASK The ARK. State Claims
Appeals Committee and Subcommittee to stand up
for Justice and Unanimously reinstate my Claim
Case #15-0608-CC within fourteen (14) days; in order
to avoid further injustice and cost, including writ
of Mandamus / Appeal to All higher Courts, for
Justice under The Laws.

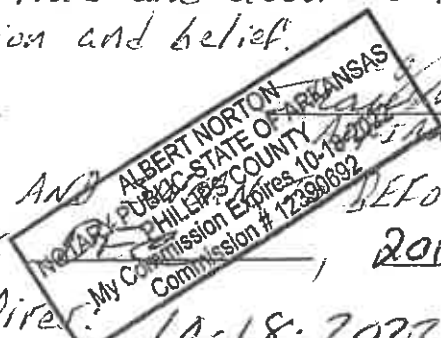
cc: Mrs. Lisa Mills Wilkins
P.O. Box 8707
Pine Bluff, AR 71611

Respectfully Submitted
Travis Manning
Travis Manning
P.O. Box 970
Marianna AR 72360

I further swear that the statements matters and things
contained herein are true and accurate to the best of my
knowledge information and belief.

Dec. 15, 2015
DATE

SUBSCRIBED AND *Travis Manning* #144583
this 15 day of December, 2015
MY Commission Expires 10-18-2022
BEFORE ME a Notary, ON



Albert Norton
NOTARY PUBLIC US