



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

SUBJECT: Summary of legal issues
Harold Holloway v. Department of Correction
No. 180214
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: March 16, 1983 to current

Date of Claim Filed: September 6, 2017

Amount Claimed: Multiple claims, see below

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate enumerates three (3) separate claims in this action against the Department of Correction. The first claims generally contends that the agency is conspiring against him concerning his inmate class status and his criminal history. For this claim he seeks damages for "aspersion and malignation", "hardship and punishment", "mental pain and suffering", and "spiritual suffering". He also seeks declaratory judgment, punitive damages of \$12,410.00, and costs.

The second claim generally involves the agency's action or inaction concerning rodents and rodent feces in his housing unit. For this claim he seeks damages for "mental pain and suffering", "threat of death or serious physical injury", "disorders induced", and "spiritual suffering", as well as litigation costs. He also seeks declaratory judgment, compensatory damages in the amount of \$0.54, and punitive damages in the amount of \$4,500.00.

The third claim generally involves the agency subjecting the inmate to constant hunger by failing to allow him and other inmates second helpings of food. He seeks damages for "physical injuries", "mental pain and suffering", and "spiritual injuries". He seeks declaratory judgment, and combined compensatory/punitive damages of \$1,900.00.

Agency Response: The agency moved to dismiss, arguing the inmate has failed to state facts upon which relief may be granted. Specifically, the state argues that although the inmates assigns a dollar amount to some of his damage claims, he does not plead any basis for that amount, which is required as damages is an element of a tort claim. The state also argues that the inmate is raising certain federal issues over which the Claims

Commission has no jurisdiction. Further, the state contends that the inmate has failed to exhaust all of his available state remedies. As such, the claims should be dismissed.

Opinion of the Claims Commission: The commission treated the agency's motion to dismiss as a motion for summary judgment under Rule 56(c)(2) and dismissed the claim due to the inmate's failure to exhaust state remedies. The commission likewise dismissed a motion for reconsideration.