Please print in ink or type

FEB 1 0 2023

BEFORE THE STATE CLAIMS COMMISSION

Of the State of Arkansas

RECEIVED

fr. frs. fs. fiss Christopher Buchanan (ADC	
ls. Christopher Buchanan (ADC	Claim No.
fiss Christopher Buchanan (ADC	Claim No.
	Date Filed
, Станианс	(Month) (Day) (Year)
vs.	Amount of Claim \$
	Fund
te of Arkansas, Respondent	1 tand
COMPLALN	T
Christopher Buchanan (ADC	
(Name)	(Street or R.F.D. & No.) (City)
County of re	epresented by
(State) (Zap Code) (Daytime Phone No.)	(Legal Counsel, if any, for Claim)
(Street and No.) (City) (State) (Zip Code	ie) (Phone No.) (Fax No.)
(DECOMEND)	Annua .
te agency involved: ADC Grames unit, Borden, Ellis, Worden, Director	Amount sought: 19,000
onth, day, year and place of incident or service:	- 32
	. Barden called me down to his
pranation	Burden ask me several oxyestion
onversation Captain Bardon immediating Start th	reating me with displinary as
	im going to fire yo Ass up! the
mplace not only threaten me because of this incident but	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
sainst ADC 3: for -CV-OOIGI- DPM-JTK. This employed	Captain Borton Acted Negligent ar
ioloted notes resulation and policies of ADC grones u	in t AR 3,25 Employee Conduct St
	out standards code of & thics,
	nate Orievance Procedure, 60 U 26
o Time Port Test	1 = 1 1 1 2 1
nit Management overview and objectives. 6.03.100 p	personnel Function, Corporal (ellis
entinue to watch as the verbal threat continued ta	iling to report this incident to or
isher superior violating Paules regulation and policies	of ADC ARDOS. ARIY. + nteri
Efers and Envestrations 6.0. 3.70. 0.0.14,10 6.	.U.14.40, 60 36,10 6,U.3.10, AD
he Director and Warden refused to put both emplo	ever on the black has which now
Ne preserve and worse, to provide the with lie	under outh Corporal Ellis Acted
I told who was felling the truth and did they both lie	1 At Carlore Val Led as
1	a 120th employed retailated against
legigent by failing to report a Critical Incident une	bl. Ol 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
and anti-cost April	beter Thristoper Dichara downed it become
and anti-cost April	beter Thristoper Dichara downed it become
nstopher Buchman for also having a fending suit against ADC nstopher Buchman for also having a fending suit against ADC sparts of this complaint, the claimant makes the statements, and answers the following questions, as indicated when? ; to whom?	Paler Christopher Buchasen drapped it because cated: (1) Has claim been presented to any state department or office
mstepher Buchanan for also having a fending suit against ADC ntimed attent from Coptain Bandan and answers the following questions, as indicated this complaint, the claimant makes the statements, and answers the following questions, as indicated the statements and answers the following questions, as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements are statements and answers the following questions are indicated to the statements and answers the following questions as indicated the statements are statements as a statement and answers the following questions are indicated to the statements and answers the following questions are statements.	Pater Christopher Buchaver drapped it because cated: (1) Has claim been presented to any state department or office (Department)
mstepher Buchanan for also having a fending suit against ADC ntimed attent from Coptain Bandan and answers the following questions, as indicated this complaint, the claimant makes the statements, and answers the following questions, as indicated the statements and answers the following questions, as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements and answers the following questions as indicated the statements are statements and answers the following questions are indicated to the statements and answers the following questions as indicated the statements are statements as a statement and answers the following questions are indicated to the statements and answers the following questions are statements.	Paler Christopher Buchasen drapped it because cated: (1) Has claim been presented to any state department or office
restriction from also having a fending suit against ADC not of this complaint, the claimant makes the statements, and answers the following questions, as indices ; when?	Pater Christopher Buch even drapped it because cated: (1) Has claim been presented to any state department or office (Department)
restriction from also having a fending suit against ADC of this complaint, the claimant makes the statements, and answers the following questions, as indicated in the claimant makes the statements, and answers the following questions, as indicated in the statements of this complaint, the claimant makes the statements, and answers the following questions, as indicated in the statements of	Pater Christopher Buchaver drapped it because cated: (1) Has claim been presented to any state department or office (Department)
(Yes or No) was paid thereon: (2) Has any third person or corporation an independent of the special person of	Pater Christopher Buch even drapped it because cated: (1) Has claim been presented to any state department or office (Department)
(Yes or No) was paid thereon: (2) Has any third person or corporation an incomplete that \$	(Department) (Department) (Department) (if so, state name and

UNIT LEVEL CRIEVANCE FORM (Attachment I) RECEIVED
Unit/Center
Name Christopher Buchenen GRIEVANCE Date Received: 7-14-20
ADC# Brks # 3 Job Assignment Olekettman GRV. Code #: 60 CS
7-8-37 (Date) STEP ONE: Informal Resolution
7-13-22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Inc. Carrain and 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 schools
nature). If you marked yes, give this completed form to the designated problem-solving starr, who will sign the
attached emergency receipt. In an Emergency, state why:
Is this Grievance concerning Medical or Mental Health Services? No 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 1-1-82 ground 11 30 Am 1,00 Am
I was called down to the captain office when + nather in
Mrs Ellis was in there along with the captain. The captain Ask San
The your fucking lying to me I'm going to fire No ASS UP. This employee
violate rules and policy of ADC 004,00,00 AR 305 Rule 00400.70-16
Employee Conduct Stendards 004,00 93-009 and 004 00.96.003 rule
This employee had no right to use ful and on disrespect me
as an inmate, Under the rules
staff are to respect each other because I have a known pending
15 to set letter assist mes and violative my Eth Amendmend
and 14th Amendment Equal pretection of the law and Intimadating.
me while retalating against me and threatening me while a lawfurt
is pending against assertion issued to another immeter and there was then the
Captain ask me several question investeds to another immete and threaten me to then invested will set to me toward the back Hallmay and the aspen Krons this
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 (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
54 (. Histord
Describe action taken to resolve complaint, including dates: Date Received
Professional at all times according both Cpt Barden
and Col A. Ellis. Inmate was quistioned in regards to an investigation about stolen property of his former Cellingte. He was advised lying would result of oiscuplinary after the sould result of the sould re
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: RECEIVED Date:
Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:
If forwarded, provide name of person receiving this form: AUG 0 3 2022 Date:
DISTRIBUTION: YELLOW & PINK - Inmate R SUBSIDE CRIEWADO Officer; ORIGINAL - Given back

to Inmate after Completion of Step One and Step Two. ADMINISTRATION BUILDING

l) A

Attachment III

IGTT410 3GS

INMATE NAME: Buchanan, Christopher

ADC #:

GRIEVANCE #: GR-22-00740

WARDEN/CENTER SUPERVISOR'S DECISION

I received your grievance dated July 8, 2022. You stated, "On 7-7-22 around 7:30 Am 9:00 Am I was called down to the captain officer when I walked in Mrs Ellis was in there along with the captain. The captain Ask several question but also threaten me with a displinary action by saying if you fucking lying to me I'm going to fire yo ass up. This employee violate rules and policy of ADC 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use foul and an disrespect me as an inmate. Under the rules set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on Init 3:22-CV-00161-DPM-JTK this employee is retalating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retalating against me and threatening me while a lawsuit is pending against

Per Captain Barden and Corporal Eliis, Captain Barden was conducting an investigation and asked you were you lying to him?. He also stated that lying during an investigation will result in disciplinary action. This was not a threat and does not demonstrate retaliation nor violation of your amendment rights. You have failed to provide factual evidence to support your claim of retaliation or being threatened by staff. Therefore, I find this grievance is without merit.

2hm as w. Meurt Signature of Warden/Supervisor or Designee

RECEIVED and

7-22-22 Date

AUG 0 3 2022

INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR

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 disagree with this decision because Captain Barden used foul and disperspected are as an immate the stated in ADC policies immates have the right to file a grievone on an employee who abuse there authority and threaten an inma with displinary action including verbal 17DC also has a policy no threats shall be tolerated by no staff nor immates by me facing threats from a staff member this complaint has not been handle sensuly Corporal Eliis is not only lying but to protect here jeb. This is the second time I have filed a complaint in verbal threats inveyeds to

https://eomiscluster.state.ar.us:7002/eomis/interface/interface_2_0_clearPage.jsp?skipBod... 7/21/21

1121/2012

Staff threatening with displinary action,

Page 2 of 2

E agree that Captain Borden was conducting an investigation until I felt
intima dated by him, Corporal Elfis just matched as the verbal threats
continued. Captain Burden dissespected the uniform and the oath that it carries.

chpl

ADC#: 7/22/22

Inmate Signature

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)



AUG 0 3 2022

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

1 12 M Noug

INMATE NAME: Buchanan, Christopher

ADC #:

GRIEVANCE#:GR-22-00740

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On July 8, 2022, you stated the following complaint: "On 7-7-22 around 7:30 Am 9:00 Am I was called down to the captain officer when I walked in Mrs Ellis was in there along with the captain. The captain Ask several question but also threaten me with a displinary action by saying if you fucking lying to me I'm going to fire yo ass up. This employee violate rules and policy of ADC 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use foul and an disrespect me as an inmate. Under the rules set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on 3:22-CV-00161-DPM-JTK this employee is retalating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retalating against me and threatening me while a lawsuit is pending against While in front of another employee Mrs Ellis"

The Warden responded to your grievance on July 22, 2022, by stating the following: "Per Captain Barden and Corporal Eliis, Captain Barden was conducting an investigation and asked you were you lying to him?. He also stated that lying during an investigation will result in disciplinary action. This was not a threat and does not demonstrate retaliation nor violation of your amendment rights. You have failed to provide factual evidence to support your claim of retaliation or being threatened by staff. Therefore, I find this grievance is without merit."

Your appeal was received on August 3, 2022. After review of your appeal and supporting documentation, I must concur with the Warden's decision. Captain Barden and Officer Ellis have both denied your allegations. Your appeal is without merit.

Appeal denied.

Director S-8-22

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Inmate Request Form

This form is to be used by inmates in contacting staff with requests on issues. Staff should be given 5 working days to respond.

Name: Chrish	epher Buchanan		ADC Num	her:	Date	10.22
Housing Assis	enment: 2-2		Job Assign	ment: O	hettman	7-8-22
	nber): Warder		voo i kooigi	Office:	heftman Warder	_
	st concerning the follo	wing area	(circle one)			
Classification	Parole	Visitation	£	Medical	Telephones	Property
Mail	Law Library	Commiss	ary	General Lib	orary Job	Assignment
Staff	Mental Health	Personal	Hygiene	Oth	er: New A	len
to be pur lying both	on for Request: I am nt of Captain t an a black covering up for intim da and policies	Barde for C	n and Cerpo aptain males	Rollis C ral Ell Borden, and viol	erperal e is is not Capture ating ru	Borden les
Staff mem	talked to any staff member(s) contacted:		C	Inmate's	Date:	7-8-72 Date
*********** Staff Member]	*************************************	******	*******	*******	Date:	******
	d your request and my	Λ	as follows:			
2 mm as	Staff Signature					

Mika Tucker

From: ASCC New Claims

Sent: Thursday, February 23, 2023 2:25 PM

To: Thomas Burns (DOC); Leslie Browning (DOC)

Cc: Kathryn Irby

Subject: CLAIM: Christopher Buchanan v. ADC, Claim No. 230997

Attachments: Christopher Buchanan ADC agency ltr .pdf; Christopher Buchanan Claim 230997.pdf

Please see attached. Contact Kathryn Irby with any questions.

Thank you, Caitlin

Caitlin McDaniel

Administrative Specialist II
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

(501)682-1619 FAX (501)682-2823



KATHRYN IRBY DIRECTOR

101 EAST CAPITOL AVENUE SUITE 410 LITTLE ROCK, AR 72201-3823

February 23, 2023

Mr. Thomas Burns Arkansas Division of Correction 6814 Princeton Pike Pine Bluff, Arkansas 71602 (via email)

RE: Christopher Buchanan v. Arkansas Division of Correction

Claim No. 230997

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Christopher Buchanan (ADC , Claimant (w/ encl.)

<u>Note to Claimant or Claimant's counsel</u>: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

Please print in ink or type

FEB 1 0 2023

BEFORE THE STATE CLAIMS COMMISSION

Of the State of Arkansas

RECEIVED

(State) (Zip Code) (Daytime Phone No.) (Street and No.) (Street and No.) (Street and No.) (State agency involved: ADC brings Unit. Rorden, Ellis, Worden, Director Amount sought: Month, day, year and place of incident or service: Explanation On 7-7-22. act and 7.30 Am to 9.00 Am Ept R Barden & Office Corperal Cellis was also in the affice Captain Barden & 25 Corporal Cellis conversation. Captain Barden immediately start threatening of by saying and Fout if your fucking lying to me Fim going employee not only threaten me because of this incident but because against ADC 3: 72-CV-00161-DPM-JIK. This employee Captain Barden and polities of this grames unit AR 3 AD 13-04 Mission Bratement, C-U 3.70 Employee Conduct Standard by Hill O Legal Rights of Inmates C-U. H.H.O Formate Crieva Unit Management and objectives. Could be presented by the processory.	(Month) (Day) (Year) Claim S (Claim S (City) Legal Counsel, if any, for Claim) e No.) (Fax No.) (Fax No.) (Fax No.) Legal Counsel, if any, for Claim) e No.) (Fax No.) Legal Counsel, if any, for Claim) e No.) (Fax No.) Legal Counsel, if any, for Claim) to Month of the Several equestion is a west state of the several equestion is a several equestion in the several equestion in the several equestion is a pending through the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion
Miss Christopher Buchanan (ADC vs. State of Arkansas, Respondent COMPLAINT Christopher Buchanan (ADC (Name) Compose the above named Claimant, of (Street or Fund) (Street and No.) (Street and No.) (Street and No.) (City) Copten Coppen (State) (Zip Code) (Phore State agency involved: ADC brings Unit Roaden (SIIs, Worlder, Director Amount sought: To-6-32 Explanation On 7-7-32 around 7,30 Am to 9,00 Am Copten Barden as Corporal Collis of the Coppen Coppen Barden as Corporal Coppen Barden as Corporal Coppen Barden as Corporal Coppen Barden and politics of this model to but because employee coppen Barden and politics of this model but because as the coppen Barden and politics of this model to the course assume the coppen Barden and politics of this copper Coppen Barden and politics of this copper Conduct Standard OU 141,0 Legal Rights of Immates Cill 144,0 Finmate Trieve Mait Management Coepten and objectives. C. V. 3,100 personnel.	(Month) (Day) (Year) Claim S (Claim S (City) Legal Counsel, if any, for Claim) e No.) (Fax No.) (Fax No.) (Fax No.) Legal Counsel, if any, for Claim) e No.) (Fax No.) Legal Counsel, if any, for Claim) e No.) (Fax No.) Legal Counsel, if any, for Claim) to Month of the Several equestion is a west state of the several equestion is a several equestion in the several equestion in the several equestion is a pending through the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion in the several equestion in the several equestion is a several equestion
COMPLAINT Christopher Buchanan (ADC (Name) (Street and No.) (City) (Captern Carpen (State) (Zip Code) (Phore Compared Edits was a loo in the office Captern Barden as a conversation Captern Barden as a conversation Captern Barden as a conversation Captern Barden impression of the conversation Captern Barden impression of the first captern but because after the analytic and politics of this incident but because as a loo in the office captern Barden as a conversation Captern Barden as a conversation Captern Barden impression of the first and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident but because as a loo in the office captern Barden and politics of this incident and politics of this incident but because as a loo in the office captern Barden and loo in the office captern Barden and loo in the office captern Barden and loo in the office captern Bard	Claims (City) (City) (City) (Egal Counsel, if any, for Claim) (Fax No.)
Amount of Fund	Claims (City) (City) (City) (Egal Counsel, if any, for Claim) (Fax No.)
COMPLAINT Christopher Buchanan (ADC (Name) (Street or F (Street and No.) (City) (City) (City) (County of represented by (Phore Captern) (Street and No.) (Street and No.) (City) (State) (Street or F (State) (Street or F (Phore Captern) (Street and No.) (Street and No.) (City) (City) (City) (City) (State) (Zip Code) (Phore (State) (State	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim) Le No.) (Fax No.) Legal Counsel, if any, for Claim) Le No.) (Fax No.) Legal Counsel, if any, for Claim) Le No.) (Fax No.) Legal Counsel, if any, for Claim) Legal Counsel, if any, for Cl
COMPLAINT Christopher Buchanan (ADC (Name) (Name) (Street or F. (Street and No.) (City) (Coty) (Street or F	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
COMPLAINT Christopher Buchanan (ADC (Name) (Name) (Street or F (Street and No.) (City) (City) (Coppen) (State) (Street and No.) (Street and No.) (City) (Street and No.) (Street and No.) (City) (Coppen) (State) (Street or F (State) (Zip Code) (Phore Coppen) (Phore Coppen) (Street and No.) (Street and No.) (City) (City) (City) (Coppen) (State) (Zip Code) (Phore Coppen) (State) (State) (Zip Code) (Phore Coppen) (State) (State) (State) (Zip Code) (Phore Coppen) (State) (Stat	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
Christopher Buchanan (ADC (Name) , the above named Claimant, of (Street or F) (Street and No.) (City) (Captain Carpus) (State) (Zip Code) (Phore (Street and No.) (City) (Captain Carpus) (State) (Zip Code) (Phore (State agency involved: ADC 6 more Unit. Parden, Ellis, Worden, Director Amount sought: Month, day, year and place of incident or service: Explanation on 7-7-2-2. around 7.30 Am to 9.00 Am Ept R Barden as pregnals to Jarea R Lane ADC ## 25 Corpora Ellis was also in the affine Captain Barden as reasons to Jarea R Lane ADC ## 25 Corpora Ellis conversation. Captain Barden impressions start threatening in by saying and F overle if your fucking lying to me Fim going employee not only threaten me because of this incident but because against ADC 31 to -CV-00161-DPM-JTK. This employee Captain Barden and politics of HJC granes unit AR 3 AD 13-06 Mission Bratement, CJ 3.70 Employee Conduct Standard GU #H, O Legal Rights of Inmakes G. U. H, H, O Enmake Grieve Unit Nanagament Overview and objectives. G. U. H, H, O Enmake Grieve Unit Nanagament Overview and objectives.	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
Christopher Buchanan (ADC (Name) , the above named Claimant, of (Street or F) (Street and No.) (City) (Captain Carpus) (State) (Zip Code) (Phore (Street and No.) (City) (Captain Carpus) (State) (Zip Code) (Phore (State agency involved: ADC 6 more Unit. Parden, Ellis, Worden, Director Amount sought: Month, day, year and place of incident or service: Explanation on 7-7-2-2. around 7.30 Am to 9.00 Am Ept R Barden as pregnals to Jarea R Lane ADC ## 25 Corpora Ellis was also in the affine Captain Barden as reasons to Jarea R Lane ADC ## 25 Corpora Ellis conversation. Captain Barden impressions start threatening in by saying and F overle if your fucking lying to me Fim going employee not only threaten me because of this incident but because against ADC 31 to -CV-00161-DPM-JTK. This employee Captain Barden and politics of HJC granes unit AR 3 AD 13-06 Mission Bratement, CJ 3.70 Employee Conduct Standard GU #H, O Legal Rights of Inmakes G. U. H, H, O Enmake Grieve Unit Nanagament Overview and objectives. G. U. H, H, O Enmake Grieve Unit Nanagament Overview and objectives.	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
(State) (Zip Code) (Daytime Phone No.) (State) (Zip Code) (Daytime Phone No.) (State agency Involved: ADC brings Unit. Borden, Ellis, Worden, Director Amount sought: (Month, day, year and place of incident or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service as a loo in the office Corporal Collision of the office Collision of the of	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
(State) (Zip Code) (Daytime Phone No.) (State) (Zip Code) (Daytime Phone No.) (State agency Involved: ADC brings Unit. Borden, Ellis, Worden, Director Amount sought: (Month, day, year and place of incident or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service: Explanation on 7-7-22. around 7,30 Am to 9,00 Am Ept R Barden conficient or service as a loo in the office Corporal Collision of the office Collision of the of	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
(State) (Zip Code) (Daytime Phone No.) (Street and No.) (City) (Coty) (Coty) (Coty) (Coty) (Coty) (State) (Zip Code) (Phone (State) (State) (Zip Code) (Phone (Phone (State) (State) (State) (State) (Zip Code) (Phone (Phone (State) (State) (Zip Code) (Phone (Phone (State) (State	Legal Counsel, if any, for Claim) Legal Counsel, if any, for Claim, if any
(State) (Zip Code) (Daytime Phone No.) (Street and No.) (Street and No.) (Street and No.) (State agency involved: ADC Brises Unit. Perden, Ellis, Worder, Director Amount sought: (Month, day, year and place of incident or service: (Explanation On 7-7-22. around 7.30 Am to 9.00 Am Cpt R Barden C office Corperal Cellis was also in the office Captain Barden as regards to Jereal R Lane Apc ## 25 Corperal Cellis 26 Corperal Cellis 27 Corperal Cellis 27 Corperal Cellis 28 Corperal Cellis 29 Corperal Cellis 29 Corperal Cellis 29 Corperal Cellis 20 Corperal Cellis 25 Corperal Cellis 26 Corperal Cellis 27 Corperal Cellis 28 Corperal Cellis 29 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 25 Corperal Cellis 26 Corperal Cellis 27 Corperal Cellis 28 Corperal Cellis 29 Corperal Cellis 29 Corperal Cellis 20 Corperal Cellis 21 Corperal Cellis 21 Corperal Cellis 22 Corperal Cellis 23 Corperal Cellis 24 Corperal Cellis 25 Corperal Cellis 26 Corperal Cellis 27 Corperal Cellis 28 Corperal Cellis 29 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 20 Corperal Cellis 21 Corperal Cellis 22 Corperal Cellis 23 Corperal Cellis 24 Corperal Cellis 25 Corperal Cellis 26 Corperal Cellis 27 Corperal Cellis 28 Corperal Cellis 29 Corperal Cellis 20 Corperal Cellis 21 Cor	eNo.) (Fax No.)
(Street and No.) (City) Coptain Coptain Coptain Coptain Tobarder Tobard	eNo.) (Fax No.)
(Street and No.) (City) Corpus (State) (Zip Code) (Photostate agency involved: ADC brings Unit. Peoplen, Ellis, Worden, Director Amount sought: Month, day, year and place of incident or service: Month, day, year and place of incident or service: Explanation on 7-7-22. around 7.30 Am to 9.00 Am Cpt R Barden & Stephann Barden immediation Stert threatening in by saying and I a vote if your fucking lying to me I'm going to employee not only threaten me because of this incident but because assainst ADC 3: 72-CV-00161-DPM-JTK, This employee Coptain Barden for the second of th	alled me down to his is me several question is s was listening to this ne with displinary act to fire yo Ass up this I had a pending laws then Acted Negligent and as Employee Conduct Stan s lade of Ethics,
(Street and No.) (City) Corpus (State) (Zip Code) (Photostate agency involved: ADC brises unit. Rorden, Ellis, Worden, Director Amount sought: Month, day, year and place of incident or service: Month, day, year and place of incident or service: Explanation. On 7-7-22. around 7.30 Am to 9.00 Am Ept R Barden & Stert Barden & Stert threatening of the affine Corporal & Lane Apc ## 25 Corporal & Illis was also in the affine Captain Barden & Stert threatening of the saying and I over if your fucking lying to me I'm going to employee not only threaten me because of this incident but because assainst ADC 31 to -CV-80161-DPIM-JTK. This employee Captain Barden for Illis and polities of ADC grames unit AR 3 AD 13-06 Mission statement, OU 3, 7.0 Employee Conduct Standard & U 14.1.0 Legal Rights of Inmates & U. 14.4.0 Inmate Grieve Unit Management overview and objectives. & U. 3.1.0 personnel	alled me down to his is me several question is s was listening to this ne with displinary act to fire yo Ass up this I had a pending laws then Acted Negligent and as Employee Conduct Stan s lade of Ethics,
Month, day, year and place of incident or service: Explanation on 7-7-bd. around 7.30 Am to 9:00 Am Ept R Barden & office Confunal cellus was also in the affine Captain Barden as reagands to Jereal R Lane Apo ## 25 Corporal cellus was also in the affine Captain Barden as reagands to Jereal R Lane Apo ## 25 Corporal cellus conversation Captain Barden immediately start threatening in by saying and I quote if you fucking lying to me I'm going employee not only threaten me because of this incident but because against ADC 3: the CV-BOILD DPIM -JIK. This employee Captain Barden and policies of HJC granes unit AR 3 AD 13-06 Mission statement, GU 3, 7.0 Employee Conduct standard by Italia Legal Rights of Inmates 6.4.14.0 Inmate Grieve Unit Management overview and objectives. 6.4.3.10 personnel	elled me down to his k me several question of s was listening to this ne with displinary act to fire yo Ass up this I had a pending laws than Acted Negligent and S Employee Conduct Stan s locale of Ethics,
Month, day, year and place of incident or service: Explanation On 7-7-bd. around 7.30 Am to 9:00 Am Ept R Barden & office Corporal Cellus was also in the office Captain Barden as regards to Je real R Lane Apc ## 25 Corporal Cellus conversation Captain Barden immediately start threatening in by saying and I quote if you fucking lying to me I'm going employee not only threaten me because of this incident but because against ADC 3: th-cv-oolbl-DPIM-JTK. This employee Captain Barden and policies of HDC granes unit AR 2 NO 13-06 Mission Batement, C-U 3, 7.0 Employee Conduct Standard & U 14,1.0 Legal Rights of Inmates & U.14,4.0 Inmate Grieve Unit Management overview and objectives. & U.3.1.0 personnel	elled me down to his k me several question of s was listening to this ne with displinary act to fire yo Ass up this I had a pending laws than Acted Negligent and S Employee Conduct Stan s locale of Ethics,
Explanation on 7-7-22 around 7.30 Am to 9:00 Am Ept R Barden e office Corporal cells was also in the office Captain Barden as reagonds to Jereal R Lane Apo # 25 Corporal celli- conversation Captain Barden immediately start threatening of by saying and I a vote if you fucking lying to me I'm going emplayee not only threaten me because of this incident but because asginst ADC 3: 72-CV-00161-DPIN-JTK. This employee Captain Bardent of 13-06 Mission Btatement, CV-3, 7.0 Employee Conduct standard OU 14,1.0 Legal Rights of Inmates C.U.14,4.0 Inmate Grieve Unit Management overview and objectives. C.U.3.10 personnel	k me several question of some with displinary act to fire yo Ass up this I had a pending laws then Acted Negligent and as Employee Conduct Stands I cade of Ethics,
office Corporal cellus was also in the office Captain Barden as reagands to Jereal R Lane Apo # 25 Corporal cellis reagands to Jereal R Lane Apo # 25 Corporal cellis representation Captain Barden immediately start threatening in by saying and I quote if you fucking lying to me I'm going emplayee not only threaten me because of this incident but because against Apo 3: 42-04-00161-DPIM-JIK. This employee Captain Bardenst Apolicies of ADC granes unit ARD Worldted gules regulation and policies of ADC granes unit ARD AD 13-04 Mission statement, OU 3, 7.0 Employee Conduct standard OU 14,1.0 Legal Rights of Inmates O.U.14,4.0 Inmate Grieve Unit Management overview and objectives. C.U.3.1.0 personnel	k me several question of some with displinary act to fire yo Ass up this I had a pending laws then Acted Negligent and as Employee Conduct Stands I cade of Ethics,
reagneds to Jereal R Lane ADC ## 35 Corporal Celling reportersation Captain Bardon immediately start threatening in by saying and I a vote if you fucking lying to me I'm going emplayee not only threaten me because of this incident but because assinst ADC 31 ##-CV-00161-DPIN-JTK. This employee Captain Bardon is the course of the primes unit AR 3 No 13-06 Mission Bratement, GU 3.7.0 Employee Conduct Standard &U 14,1.0 Legal Rights of Inmates & U. 14,4.0 Inmate Grieve Unit Management overview and objectives. & U. 3,100 personnel	s was listening to this ne with displinary act to fire yo Ass up this I had a pending Tawas ten Acted Negligent and as Employee Conduct Stan s cade of Ethics,
reagonds to Jereal R Lane ADC ## 25 Corporal Colling representation Captain Bardon immediately start threatening in by saying and I ducte if you fucking lying to me I'm going employee not only threaten me because of this incident but because assainst ADC 3: ##-CV-00161-DPIN-JTK. This employee Captain Bardonated goles regulation and policies of #DC granes unit AR 3 AD 13-06 Mission Btatement, OU 3. 7.0 Employee Conduct Standard OU 14.1.0 Legal Rights of Inmates G.U. 14.4.0 Enmate Grieve Unit Management overview and objectives. b. U. 3.1.0 personnel	to fire yo Ass up this I had a pending Tawsorten Acted Negligent and S Employee Conduct Stan s I cade of Ethics,
econversation Captain Bardon immediately start threatening in by saying and I quote if you fucking lying to me I'm going emplayee not only threaten me because of this incident but because against ADC 3: to-cv-oolbl-DPIM-JTK. This employee Captain Barviolated goles regulation and policies of ADC granes unit ARD World gold Mission Bratement, OU 3. 7.0 Employee Conduct Standard & U 14,1.0 Legal Rights of Inmates & U. 14,4.0 Inmate Grieve Unit Management overview and objectives. & U. 3. 1.0 personnel	to fire yo Ass up this I had a pending Tawsorten Acted Negligent and S Employee Conduct Stan s I cade of Ethics,
by saying and I ducte if you fucking lying to me I'm going emplayee not only threaten me because of this incident but because against ADC 3: 72-CV-00161-DPIM-JTK. This employee Coptain Bo violated rules regulation and policies of 140 c grames unit AR 3 AD 13-06 Mission statement, C-U-3, 7.0 Employee Conduct standard 6-U-14,1.0 Legal Rights of Inmates 6-U-14,4.0 Inmate Grieve Unit Management overview and objectives. 6-U-3,100 personnel	to fire yo Ass up this I had a pending Tawsorten Acted Negligent and S Employee Conduct Stan s I cade of Ethics,
emplace not only threaten me because of this incident but because assainst ADC 3: Th-CV-00161-DPIN-JTK. This employee Coptain Boulotated goles regulation and policies of HDC granes unit ARD 13-06 Mission Bratement, GU 3. 7.0 Employee Conduct Standard GU 14.1.0 Legal Rights of Inmates G.U. 14.4.0 Enmate Grieva Unit Management overview and objectives. G.U. 3.1.0 personnel	ten Acted Negligeth and S Employee Conduct Stein s I could of Ethics,
against ADC 3: 42-CV-00161-DPM-JTK. This employee Coptain Bos Violated rules regulation and policies of HJC granes unit AR 3 AD 13-06 Mission statement, GU 3, 7.0 Employee Conduct standard GU 14,1.0 Legal Rights of Inmates G.U. 14,4.0 Enmate Grieve Unit Management overview and objectives. G.U. 3,100 personnel	& Employee Conduct Stan s code of Ethics,
violated rules regulation and policies of HUC granes unit AR 3 AD 13-06 Mission statement, GU 3, 7.0 Employee Conduct standard BU 14,1.0 Legal Rights of Inmates B.U. 14,4.0 Enmate Grieve Unit Management overview and objectives. B.U. 3,100 personnel	& Employee Econduct Stans s code of Ethics,
40 13-06 Missian statement, GU 3. 7.0 Employee Conduct Standard GU 14,1.0 Legal Rights of Inmates G.U. 14,4.0 Inmate Grieve Unit Management overview and objectives. G.U. 3,100 personnel	s locale of & thics,
OU 14,1.0 Legal Rights of Inmates G.U. 14,4.0 Inmate Grieve Unit Management overview and objectives. 6.03.10 personnel	.7
Unit Management overview and objectives. b. U 3.10 personnel	
Only Managernal Charling and Control	Function, Corporal Glis
	1 2 1
Committee to south	AR 205. AR 14. Internal
higher superior violating Paules regulation and policies of ADC	-U 36,10 6, U. 3.10, AO 1
FT TG(1) CHICATON STORES	11 1 2 1 1
The present and words I croses to	. Corporal Ellis Acted
Negligent by failing to report a Critical Incident and Both am	layer letalated against
Instepher Buchanan for also having a pending out against ADC pater Christop	er Buchanen dropped it because
Asparts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim	peen presented to any state department or officer th
; when?; to whom?	(Department)
(Yes or No) (Month) (Day) (Year) : and that the following action was taken thereon:	(Department)
and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim?	46.
	; if so, state name and ac
(Name) (Street or R.F.D. & No.) (City)	
	; if so, state name and accompany (State) (Zip Code)
and that the nature thereof is as follows:	(State) (Zip Code)

UNIT LEVEL GRIEVANCE FORM (Attachment I) RECEIVED	FOR OFFICE USE ONLY
Unit/Center 1111 14 2022	GRV. #01-20190
Name Christopher Buchanan GRIEVANCE	GRV. Code #:
ADC# Brks # _ Job Assignment pickettman	
7-8-77 (Date) STEP ONE: Informal Resolution	
7-13-32 (Date) STEP TWO: Formal Grievance (All complaints/concerns shou	ld first be handled informally.)
If the issue was not resolved during Step One, state why: The	to be as the black box
, (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 pro	oblems that are not of serious
nature). If you marked yes, give this completed form to the designated problem-se	olving staff, who will sign the
attached emergency receipt. In an Emergency, state why:	
Is this Grievance concerning Medical or Mental Health Services? No If yes,	circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint,	late, place, name of personnel
involved and how you were affected. (Please Print): On 7-7-7- are	I walked in
River called down to the captain office when	The emptern Ask Sen
the displant	1///
If you tucking lying to me I'm going to fire you	ASS UP. This employer
Violete rules and policy of ADC 004,00,00 AR 303	Rule 00400.70-16
Employee Conduct Standards 004,00 93-009 and	004 00.96.003 rule
This employee had no right to use ful and on	disrespect me
as an inmate Under the rules	erth Inmates and
staff are to respect each other, because I have	a kinsuit pending
3: 72-CV-00161-PPIM- 31K +this	employee of
is top retalation against me and violating my	1 Datimendmend
and 17th Amendment equal prefection of the 18th	me table a languit
me whole retaining arrant me and integrations	enother employee Mrs &
I working out me several question investeds to another immite	and Arrenten Me, 60 then
indutes will set to me toward the back Italling and the especial	J. West Juin
Inmate Signature Date	
If you are harmed, threatened because of your use of the grievance process, report it imm	nediately to the Warden or designee.
THIS SECTION TO BE FILLED OUT BY STAFF This form was received on 19-22 (date), and determined to be Step One	nd/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
5st C. Pictord	79.22
PRINT STAFF NAME PROBLEM SOLVER) ID NUMBER STAFF SIGNATURE , D	Date Received
	arden remained
Professional at all times according bot	
and Col A. Ellis. Inmate was gustioned in regard	of the day investigation
and Col A. Ellis. Inmate was questioned in regard about stolen property of his former Cell mate. He was	7-17-22
Staff Signature & Date Returned Inmate Signature & D	Date Received
This form was received on (date), pursuant to Step Two. Is it an Emer	
Staff Who Received Step Two Grievance:	Date:
Action Taken: (Forwarded to Grievance Officer/Warden/	Other) Date:
	Date:
	ODICINIA CITAL
DISTRIBUTION: YELLOW & PINK - Inmate R MUNIOR; GBIEVE & Grievance Of	ncer; ORIGINAL - Given back
to Inmate after Completion of Step One and Step Two. ADMINISTRATION BUILDING	40

l) A

Attachment III

IGTT410 3GS

INMATE NAME: Buchanan, Christopher

ADC #:

GRIEVANCE #: GR-22-00740

WARDEN/CENTER SUPERVISOR'S DECISION

I received your grievance dated July 8, 2022. You stated, "On 7-7-22 around 7:30 Am 9:00 Am I was called down to the captain officer when I walked in Mrs Ellis was in there along with the captain. The captain Ask several question but also threaten me with a displinary action by saying if you fucking lying to me I'm going to fire yo ass up. This employee violate rules and policy of ADC 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use foul and an disrespect me as an inmate. Under the rules set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on Jnit 3:22-CV-00161-DPM-JTK this employee is retalating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retalating against me and threatening me while a lawsuit is pending against

Per Captain Barden and Corporal Eliis, Captain Barden was conducting an investigation and asked you were you lying to him?. He also stated that lying during an investigation will result in disciplinary action. This was not a threat and does not demonstrate retaliation nor violation of your amendment rights. You have failed to provide factual evidence to support your claim of retaliation or being threatened by staff. Therefore, I find this grievance is without merit.

Signature of Warden/Supervisor or Designee

REGENERAL

7-22-22 Date

AUG 0 3 2022

INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR

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.

Captain Burden used few and disrespected me as an immate the stated in ADC policies inmotes have the right to file a greene on an employee who abuse there authority and threaten an inma with displinary action including verbal ADC also has a policy no threats shall be tolerated by no staff nor inmates by me facing threats from a staff member this complaint has not been handle sensuly Corporal Eliis is not only lying but to proket here jeb. This is the second time I have filed a complaint in verbal threats inregards to

https://eomiscluster.state.ar.us:7002/eomis/interface/interface_2_0_clearPage.jsp?skipBod... 7/21/2

7/21/2022

Staff threatening with displinary action,

Page 2 of 2

E agree that Captain Borden was conducting an investigation until I felt
intima dated by him. Corporal Elfis just matched as the verbal threats
continued. Captain Burden dissespected the Uniform and the oath that it carries.

chpl

ADC#: 7/22/22

Inmate Signature

If appealing, please submit both the Unit Level Grievance Form (Attachment I) and the Warden's Decision (Attachment III)



AUG 0 3 2022

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

1 12 Mary

INMATE NAME: Buchanan, Christopher

ADC #:

GRIEVANCE#:GR-22-00740

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On July 8, 2022, you stated the following complaint: "On 7-7-22 around 7:30 Am 9:00 Am I was called down to the captain officer when I walked in Mrs Ellis was in there along with the captain. The captain Ask several question but also threaten me with a displinary action by saying if you fucking lying to me I'm going to fire yo ass up. This employee violate rules and policy of ADC 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use foul and an disrespect me as an inmate. Under the rules set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on 3:22-CV-00161-DPM-JTK this employee is retalating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retalating against me and threatening me while a lawsuit is pending against while in front of another employee Mrs Ellis"

The Warden responded to your grievance on July 22, 2022, by stating the following: "Per Captain Barden and Corporal Eliis, Captain Barden was conducting an investigation and asked you were you lying to him?. He also stated that lying during an investigation will result in disciplinary action. This was not a threat and does not demonstrate retaliation nor violation of your amendment rights. You have failed to provide factual evidence to support your claim of retaliation or being threatened by staff. Therefore, I find this grievance is without merit."

Your appeal was received on August 3, 2022. After review of your appeal and supporting documentation, I must concur with the Warden's decision. Captain Barden and Officer Ellis have both denied your allegations. Your appeal is without merit.

Appeal denied.

Director B-8-22

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Inmate Request Form

This form is to be used by inmates in contacting staff with requests on issues. Staff should be given 5 working days to respond.

Name: Chrish	epher Buchanan		ADC Num	ber:	Date:	1-8-22
Housing Assig	gnment: D >		Job Assign	ment: pick	reftman	
To (Staff Men	nber): Warder			Office:	Warder	_
I have a reque	st concerning the follo	wing area	(circle one):			
Classification	Parole	Visitation	ı	Medical	Telephones	Property
Mail	Law Library	Commiss	sary	General Libi	rary Job A	ssignment
Staff	Mental Health	Personal	Hygiene	Othe	er: Mar d	20
the incider to be ou lying bright is known regulation	talked to any staff me	Barde bex for C Hing In of A	Corporant Corpor	ellis C. ral Elli Borden, and viole	corporal and s is not captured at the rule	anly Barden es
			C	Inmate's S	Signature	7-8-72 Date
	**********	*******	*******	******	************	*****
Staff Member	Responding:				Date:	
I have reviewe	d your request and my	finding is	as follows:			
2 nm as	2 W Ward Staff Signature					

Mika Tucker

From: Leslie Browning (DOC)

Sent: Thursday, February 23, 2023 3:06 PM

To: ASCC Pleadings **Cc:** Thomas Burns (DOC)

Subject: Christopher Buchanan 230997

Attachments: Answer.pdf

ADC Answer

Leslie Browning

Arkansas Division of Correction

Central Office/Legal Division 6814 Princeton Pike Pine Bluff, AR 71602 Legal Support Specialist Phone: 870-267-6844

Email: leslie.browning@arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BUCHANAN (

CLAIMANT

v.

CLAIM NO. 230997

ARKANSAS DEPARTMENT OF CORRECTIONS DIVISION OF CORRECTION

RESPONDENT

ANSWER TO COMPLAINT

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

- Respondent denies liability in this claim and asserts it will hold the Claimant to 1. 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 abevance 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,

Thomas Burns (02006)

ADC Legal Division 6814 Princeton Pike

Pine Bluff, AR 71602-9411

(870) 267-6845 telephone

thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 23rd day of February, 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Christopher Buchanan (

Thomas Burns

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Tuesday, March 14, 2023 2:27 PM

To: Thomas Burns (DOC)

Cc: Leslie Browning (DOC); ASCC Pleadings; Kathryn Irby **Subject:** CORR: Christopher Buchanan v. ADC, Claim No. 230997

Attachments: Christopher Buchanan v. ADC .pdf

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619 FAX (501) 682-2823



KATHRYN IRBY DIRECTOR

101 EAST CAPITOL AVENUE SUITE 410 LITTLE ROCK, ARKANSAS 72201-3823

March 14, 2023

Mr. Christopher Buchanan (ADC

RE: Christopher Buchanan v. Arkansas Division of Correction

Claim No. 230997

Dear Mr. Buchanan,

Please be advised that the Arkansas Division of Correction (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a <u>timely</u> response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Kathryn Irby

ES: msscott

cc: Thomas Burns, counsel for Respondent (via email)

Mika Tucker

From: Thomas Burns (DOC)

Sent: Thursday, March 16, 2023 11:02 AM

To: ASCC Pleadings

Cc: Leslie Browning (DOC)

Subject: Christopher Buchanan v ADC 230997

Attachments: 3248_001.pdf

Motion to dismiss

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602

Phone: (870) 267-6845 Fax: (870) 267-6373 Cell: (870) 515-0918

thomas.burns@arkansas.gov

Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this email.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BUCHANAN (ADC

CLAIMANT

 \mathbf{v}

NO. 230997

ARKANSAS DEPARTMENT OF CORRECTIONS DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

- The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil
 Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
- 2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan*, 2011 Ark. 94. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
- 3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014). Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. Ashcraft v Iqbal 556 U.S. 662 (2009). Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations" are required. *Id*. To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id*. A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id*.

- 4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark.*App. 632 (2014)
- 5. The inmate seeks the sum of \$15000.00, for alleged 8th and 14th Amendment violations. Although inmate seeks an award of damages (\$15000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153* (2008). The inmate's claim, even if true, does not support a claim for monetary relief.
- 6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992).* Even taking the inmate's allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.
- 7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. Pressler v. Ark. Publ. Serv. Comm'n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The

Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

- 8. Whether a plaintiff is represented by counsel or is appearing <u>pro se</u>, his complaint must allege specific facts sufficient to state a claim. *See Martin v Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).
- 9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.
- In reviewing whether a complaint is subject to dismissal, the Court must accept as 10. true all factual allegations in the complaint, but is "not bound to accept as true a legal conclusion couched as a factual allegation." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." Id. "Nor does a complaint suffice if it "tenders 'naked assertion[s]' devoid of 'further factual enhancement." Id. (quoting Twombly, 550 U.S. at 557). Rather, a complaint must plead "enough facts to state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 556 U.S. at 678. "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." Id. (quoting Twombly, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. Twombly, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. Id. at 561. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible.

Id. at 570. "[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not 'show[n]' – 'that the pleader is entitled to relief.'" Iqbal, 556 U.S. at 679 (quoting Fed.R.Civ.P. 8(a)(2)).

- 11. The Plausibility standard is not akin to a "probability requirement" but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are "merely consistent with" a defendant's liability, it" stops short of the line between possibility a plausibility of entitlement to relief" *Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)*
- 12. The inmate is currently housed at the fitted and other crimes.
- 13. The inmate claims that the ADC personnel violated his constitutional rights which conducting an investigation. See attached Ex A and attached to inmate complaint.
 - 14. The inmate state in his complaint that ADC personnel were negligent.
- 15. The inmate has failed to state what duty, the breach of that duty, the causation, or damages that have occurred.
- 16. The inmate is making a Constitutional claims and pursuant to the law, the Commission is barred from hearing such claims. These claims may be made in a Court of general jurisdiction.
 - 17. The Claims Commission does not have the jurisdiction to hear this claim.
- 18. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.
- 19. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

20. "The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity." Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). "Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim." Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

Thomas Burns (02006)

Legal Department

Division of Correction

6814 Princeton Pike

Pine Bluff, AR 71602

(870) 267-6845 Office

(870) 267-6373 Facsimile

thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 16th day of March 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Christopher Buchanan

Thomas Burns

INMATE NAME: Buchanan, Christopher

ADC #:

GRIEVANCE#:GR-22-00740

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On July 8, 2022, you stated the following complaint: "On 7-7-22 around 7:30 Am 9:00 Am I was called down to the captain officer when I walked in Mrs Ellis was in there along with the captain. The captain Ask several question but also threaten me with a displinary action by saying if you fucking lying to me I'm going to fire yo ass up. This employee violate rules and policy of ADC 004.00.93-009 and 004.00.96.003 rule 7. This employee had no right to use foul and an disrespect me as an inmate. Under the rules forth Inmate and staff are to respect each other. Because I have a lawsuit pending on 3:22-CV-00161-DPM-JTK this employee is retalating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retalating against me and threatening me while a lawsuit is pending against. While in front of another employee Mrs Ellis"

The Warden responded to your grievance on July 22, 2022, by stating the following: "Per Captain Barden and Corporal Eliis, Captain Barden was conducting an investigation and asked you were you lying to him?. He also stated that lying during an investigation will result in disciplinary action. This was not a threat and does not demonstrate retaliation nor violation of your amendment rights. You have failed to provide factual evidence to support your claim of retaliation or being threatened by staff. Therefore, I find this grievance is without merit."

Your appeal was received on August 3, 2022. After review of your appeal and supporting documentation, I must concur with the Warden's decision. Captain Barden and Officer Ellis have both denied your allegations. Your appeal is without merit.

Appeal denied.

ctor

Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

MAR 2 0 2023

	RECEIVED
Christopher Buchanan	Plaintiff
,	
VS 030997	
Arkansas Division excarection	Detendant
Motion for hearing	
J ((() () () () () () () ()	
Come now Christopher Brochemn (requesting
e herry on this matter,	
	32

Dear Kathryn Irby
Hello my name 13 Christopher Buchenan HAC
currently at
I currently have I state claims pending withthe
State claim commission and I would like to request
on hearing on Both cases on the matter. Thank you fer
Jakon the time to need and respond to my letter.
Sincerely Durden me
(purley me

Christopher Buchanon	· Plaintiff.
VS 230997	
Arkanges Division of Carection	Defaulant
Motion for	chjection
Come New plaintiff proceeding	a state elaim states as 1
Followed.	
1. Plaintiff contend to this e	curt that the defendant should
be denied completion of the invest	tigation and held in a beyonce until
the investigation is completed.	
I Plaintiff centered to this cour	t on 7-8-22 requested for
an Internal Investigation and was	denied by Worden Hunst. Shown
in Exhibit At plaintift also contand	on 7-7-22. filed a grievance
and requested an Internal Investigation	end and only get an investigation
not an internal investigation at these	amplyee.s. Captain Bardon and
Corporal Ellisi	
3. Now since plaintiff has fil	ed a dum against Arkansus
Department of Correction Now they x	rant to do a completion of
in vestigetion and by internal affa	ers and should be denied this

request,
4 Plaintiff contend from 7-7-22 until 8-8-22 Detendants
band numerous occassion and general months to investigate and
refused to do an internal investigation even by Murden Haust who
refused to investigate this matter tenard your plaintiff.
5 Plaintiff has shown strict probt of these allegation schown
in Exhibit It end in your plantitt gricumoci.
le Plantitt request that there order be denied.

STATE OF ARKANSAS)
COUNTY OF Jacas) §§
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this
21 day of Moroh, 20 23.
NOTARY PUBLIC 3/1992
My Commission Expires: 5/6/7576
EXILOR
CERTIFICATE OF SERVICE
Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury, that the foregoing is true and correct. This is to Certify that on this day of, 20 23_, a copy of the foregoing was mailed by U.S. Postal Service, with sufficient postage paid to the following:
a N a hal
Petitioner, pro se

Christopher Buchanan Claimant
VS no 230997
Arkansas Department of Corrections Respondent Division OF Correction
Motion To object To Motion To Dismiss
Come new Claimant proceeding in state claim
State as followed.
1. Claimant contend to this court that state claim has
jurdiction to here this claims
2 Claimant contend that in Claimant Complaint state policies
of ADC Violation and retalation claim that caused your
Claimant physical mental and enotional distress. Claimant
further contend that Captan Banden and Ms Ellis acted Neglisence
in their jeb performace to also include Warden Hurst who
petused to investigate the matter as shown in Exhibit A
request form,
3 Claimant contend that Claimant had a law suit gending
in Federal Civil Court 3: 22-CV-OOI61-DPM-ERE but dropped

It because of Captain Burden threat and physical harm even to also include displinary action. Worden Hurst know or should have Known to investigate a staff threatening an inmate also to include to be gut on Black box Warden Hurst is in charge of his Staff and violate Section Dit-41-503 I violate AR 225 and Claimant AR 14 for internal Investigation. 4 Claimant contend that these Staff continue to violate rules regulation and policies even to include violating sutety protocol Causing your claiment to suffer severly with physical mental and emotional distress axiety and PTSD Claiment contend that he has sought Mental Health for the errotional distress, physical and Mental angish. 5 Claiment content under the state text claim act the emotional physical and Mental ansish that was equied by the respondent threats of displinary action that forced your clamant to drop his law suit previously stated that would have prevent in federal court it the respondent never made threats terrand your clamant further more it Worden Hurst would have investigated the matter

or turned it over to Internal Afterna Captan Boarden never remain professional. Mrs Ellis know that Complete was threaten and netword to do anything about it not even protect clament safety 6. Completed Claimant contend that Jereal RLane (will testify that your elamont was called down to the office alamant told Jereal Rhane that Captain Bowlen threaten your claimant and four for his safety that I was going to file a grevance on him Claimant will contend to this en that Claiment has plead enough facts to state a claim and the detendant is liable for the miscondiut alleged. Furthermore Claimant contend Worden Hurst refused to invests the matter into his own employee which his action was mestigent under ADC standards and policies and rules and Also by ADC and fame by this state. Section [12-41-503] 7 Claimant Contend that these staff refused to implement Safety, I Wonden Hurst retused to investgate 3 Staff violated rules regulation, policies of ADC and ADC Unit 43 tate law govern by this state state Tort claims

Act 5 Retalation RECEIVED
8. Claiment Contend that AUC has refused on several
occassion to investigate facts of allesed incident because they
are under staff with Seconty and burley has enough staff !
Security to cover post. As many inmote will tostity in
regards of staff related problem that worden Hurst refused
to investisate or try to sweep under the rug, also to include
Deputy Worden Harris there are not allegation but facts
that inmate will fastify to also to include under staff why
investigation get denied even including myself which shows
proof in request form Exhibit A
9 Claiment request that there motion to be dismiss
be denied and any and all other relief Claiment is title to

STATE OF ARKANSAS)
COUNTY OF
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 2 day of
CERTIFICATE OF SERVICE
I declare under the penalty of perjury, that the foregoing is true and correct. This is to Certify that on this day of, 20, a copy of the foregoing was mailed by U.S. Postal Service, with sufficient postage paid to the following:
Chastesher Bucheren
Petitioner, pro se

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings

Sent: Monday, July 24, 2023 10:22 AM

To: Thomas Burns (DOC)

Cc: Leslie Browning (DOC); ASCC Pleadings; Mika Tucker **Subject:** ORDER: Christopher Buchanan v. ADC, Claim No. 230997

Attachments: Christopher Buchanan v. ADC .pdf; Christopher Buchanan-order.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott

Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619 FAX (501) 682-2823



KATHRYN IRBY DIRECTOR

101 EAST CAPITOL AVENUE SUITE 410 LITTLE ROCK, ARKANSAS 72201-3823

July 24, 2023

Mr. Christopher Buchanan (ADC

Mr. Thomas Burns Arkansas Division of Correction 6814 Princeton Pike Pine Bluff, Arkansas 71602-9411 (via email)

Re: Christopher Buchanan v. Arkansas Division of Correction

Claim No. 230997

Dear Mr. Buchanan and Mr. Burns:

Enclosed please find an Order entered on July 21, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BUCHANAN (ADC

CLAIMANT

V.

CLAIM NO. 230997

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Commission") is a motion filed by the Arkansas Division of Correction (the "Respondent") to dismiss the claim of Christopher Buchanan (the "Claimant"). Based upon a review of the pleadings, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

- 1. Claimant filed his claim on February 10, 2023, seeking \$10,000.00 in damages related to Respondent's employee threatening Claimant with disciplinary action.
- 2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant has not been damaged.
- 3. Claimant responded to the motion to dismiss, arguing, *inter alia*, that dismissal was not proper.
- 4. In reviewing Respondent's motion to dismiss, the Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382 (2011). The facts alleged in the complaint will be treated as true, but not "a

plaintiff's theories, speculation, or statutory interpretation." *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

- 5. The Commission finds dismissal is proper under *Hodges*. Even liberally construing the complaint, Claimant has not stated facts to support a negligence claim. *See Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002). The elements of a negligence claim are duty, breach of duty, and damages proximately caused by the breach. *Id.* The Commission agrees with Respondent that Claimant has stated no facts to establish how he has been damaged by the alleged actions of Respondent.
 - 6. Respondent's motion to dismiss is GRANTED, and Claimant's claim is DISMISSED.
 - 7. Any other pending motions are denied as moot.

IT IS SO ORDERED.

Con Band

ARKANSAS STATE CLAIMS COMMISSION Courtney Baird

ARKANSAS STATE CLAIMS COMMISSION Henry Kinslow, Chair

Lewy C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION Sylvester Smith

DATE: July 21, 2023

fle I hat

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Chimant Christophen Buchanan Claim No 730997. Arkansas Division of Kespendent. Corrections Motion To Appeal. Come Now Claimment Christopher Buchanen. requesting an expecul on Commission decision 1. Claimant contends to this ecurt that opt R. Barden Wiolate rules regulation and policies of ANC grimes unit AR 725, 004,00-001, rule 004 00. 20-16 Employee Conduct Standard. 2 Claiment further contend that respondent used verbaly threatening Harassment, that was protected by claiment first and 14th Amendment right under particle 1, 2, 3 8 3 Claimant contend this Respondent Ept Ribarden acted in neglisence. in his duties; causing mental and emotional harm! distress toward your claimant. 4 Claimant further centered that Respondent Opt R. Barden bad Breach his contract with HO e by violating ADC policies and state regulation. to theep- primates from unresonable musk. Claimant contend that theses unresonable risk. 47

was verbal threats, and Harassment causing, your claiment mental and emotional distress/hurm under Intentional Infliction of Emotional distress. 6 Claiment eentends under- Hodges N Lumora 337. Ark 470, 989 8, W. Id 530 (1999) All resemble inferences must be resolved in fever at the Claimant and the compant must be liberally enstrued. 1 Claimont further centered that respondent ept R Borden. under state and Federal rules violate claimant rights in. accessing the court with verberal and threatening aboute. in order to drop languit pending against ADC brimes unit. 3: 72-CV-00161-DPM-JTK. Claimant centend this respondent actied in Negligence causing senous mental and emotional distress/horm, while accessing a. protected right protected by state and Federal rules, and lows 8 Claiment centend that largeral Ellis violate rules regulation and policies of ADC grimes unit AR 825 004, co-co) rule-009 00-20-16 Employee andust standard, 6. U. 3. 70 I Claiment content that respondent listen to apt R Borden used Nerbal threat, and Huraus your claiment 10 Claimont contend this respondent Corporal Ellis acted in negligence in her duties causing mortal and emotional harm! distress toward your claimant Il Claimant contend that Regulart Corporal Cellas had Braich her contract duties with ADC by violating ADC policies and State regulation to protect primates from unreasonable risk. 48

of Cpt R Barden verbal abuse and Harrasim ent and failed to report the inerdent to her superiors 1) Claimant content because Corporal Ellis neglesented her job duties and performance and caused your claimant Mental and emotional distress / herm under Intentional Infliction at Emotional distress. 13 Claimant contend that corporal allos perpasely Tied to superiors to cover up Opt R Barden Neglisent action acting in occasion with each other, M Claimant contend further that Jeral Lune who Cpt Burden was investigating can contest that your collainent now threatening and Herrass. Statement of facts Claimant states several claims of facts (2) Neglesent. (2) Intertional Infliction of emotional distress and any other claim to be included. 15 Claiment contends that Cpt R Barden Acted Neglegent and Breach has jub duties causing unreasonable rish with verbal threats and Harassment . forward your 16 Claimant further centered that captain R Borden Caused Intertional Infliction of errotional distress. Knowing the Harassmert and verbal threats violet State policies and ADC policies. 17 Claimont content that Corporal Ellis Acted Neglegent

and Breach her job duties causing unreasonable rish by algoring

a fellow Co Worker/Captain in charge to violate rules regulation and policies of ADC grimes unit further more failed to report this incident to a fellow Supervisor or Internal Affairs for further investgetion or even to Warden, 19 Claimant further contend that because of her action and her Neglection of her job duties and performance Corporal Ellis eaused Intentional Intliction of emotional 19 Claimant contend these respondents Kinew they were violating rules regulation and policies this is galso to include state and Pederal laws. 10 Claimant contend Corporal Ellis violate. Arti-le 1, 2. B and & in restracted and had a job duting to protect your clamant from unreasonable rish. of throats and hurassment from Cpt Burden and refused to do Clammant request en averpried at his complaint Claiment request an overturn at motion to dismiss and grant hearing Claiment reguest further to Subject intresses to contirm these facts of these allegations so the froth can prevoil

STATE OF ARKANSAS COUNTY OF Jockson)) §§)
	TO BEFORE ME, a Notary Public, on this 20
My Commission Expires: June 9	NOTARY PUBLIC ZACHERY HARMON JACKSON COUNTY NOTARY PUBLIC - ARKANSAS My Commission Expires June 09, 2032 Commission No. 12719903
Pursuant to 28 U.S.C. §1746, I of foregoing is true and correct. This is to	the foregoing was mailed by U.S. Postal of the following: Christoper Rubers
	Olfor