

Please print in ink or type

FEB 10 2023

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- ☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Christopher Buchanan (ADC [REDACTED]), Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces

Claim No. _____

Date Filed _____
(Month) (Day) (Year)

Amount of Claim \$ _____

Fund _____

COMPLAINT

Christopher Buchanan (ADC [REDACTED]), the above named Claimant, of [REDACTED]
(Name) (Street or R.F.D. & No.) (City)County of _____ represented by _____
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)of _____
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: ADC Grimes Unit, Borden, Ellis, Warden, Director Amount sought: \$10,000

Month, day, year and place of incident or service: [REDACTED] 7-8-22

Explanation On 7-7-22 around 7:30 AM to 9:00 AM Cpt R Borden called me down to his office Corporal Ellis was also in the office Captain Borden ask me several question in regards to Jareal R Lane ADC # [REDACTED] as Corporal Ellis was listening to this conversation Captain Borden immediately start threatening me with disciplinary action by saying and I quote if you fucking lying to me I'm going to fire yo Ass up. This employee not only threaten me because of this incident but because I had a pending lawsuit against ADC Borden - CV-20161-PPM-JTK. This employee Captain Borden Acted Negligent and violated rules regulation and policies of ADC Grimes Unit AR 225 Employee Conduct Standard AD 13-06 Mission statement, G.U. 3.7.0 Employee Conduct standards / code of ethics, G.U. 14.1.0 Legal Rights of Inmates G.U. 14.4.0 Inmate Grievance Procedure, G.U. 28.1.0 Unit Management overview and objectives. G.U. 3.1.0 personnel Function, Corporal Ellis continue to watch as the verbal threat continued failing to report this incident to an higher superior violating Rules regulation and policies of ADC AR 225. AR 14. Internal Affairs and Investigations G.U. 3.7.0 G.U. 14.10 G.U. 14.40, G.U. 28.10 G.U. 3.10, AD 13. The Director and Warden refused to put both employee on the black box which would of told who was telling the truth and did they both lie under oath. Corporal Ellis Acted Negligent by failing to report a Critical Incident and both employee retaliated against Christopher Buchanan for also having a pending suit against ADC later Christopher Buchanan dropped it because of intimidation from Captain Borden and Ellis.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer the

; when? _____; to whom? _____
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: _____

and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____; if so, state name and add

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____ and was acquired on _____, in the following ma

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 bel

that they are true.

Christopher Buchanan
(Print Claimant/Representative Name)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Newport Ar

on this 7 day of February 2023
(Date) (Month) (Year)

(SEAL)

PUBLIC

NOTARY

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SPARKS

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UNIT LEVEL GRIEVANCE FORM (Attachment I)

RECEIVED

Unit/Center

Name Christopher Buchanan

JUL 14 2022

GRIEVANCE

ADC# [REDACTED] Brks # 22 Job Assignment pickettman

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

GR-22-00-740
7-14-22
802

7-8-22 (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: The Captain and the C/O is lying to cover each other and request them to be on 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 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? 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 7-7-22 around 7:30 AM 9:00 AM

I was called down to the captain office when I walked in Mrs. Ellis was in there along with the captain. The captain Ask Seven question but also threaten me with a disciplinary action by saying if you fucking lying to me I'm going to fire ya Ass up. This employee violate rules and policy of ADC 004.00.001 AR 205 Rule 004.00.20-16 Employee Conduct Standards 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use foul and or disrespect me as an inmate. Under the rules [REDACTED] set forth inmates and staff are to respect each other, because I have a lawsuit pending on [REDACTED] 3:22-CV-0061-PPM-JTK this employee is [REDACTED] retaliation against me and violating my 8th Amendment and 14th Amendment equal protection of the law and intimidating me while retaliation against me and threatening me while a lawsuit is pending against [REDACTED] while in front of another employee Mrs. Ellis Captain asks me several question in regards to another inmate and threaten me, so then inmates will set for me toward the back hallway and the captain knows 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 7-9-22 (date), and determined to be Step One and/or an Emergency Grievance No (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: [REDACTED] Date 7-9-22

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

Cpt. R. Barden remained professional at all times according both Cpt Barden and Cpl A. Ellis. Inmate was questioned in regards to an investigation about stolen property of his former cellmate. He was advised lying would result in disciplinary action. 7-13-22

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 03 2022

Date:

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

ll sp

Attachment III

IGTT410
3GSINMATE NAME: Buchanan, Christopher

ADC #: [REDACTED]

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 disciplinary 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 [REDACTED] set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on [REDACTED] Unit 3:22-CV-00161-DPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retaliating against me and threatening me while a lawsuit is pending against [REDACTED]. While in front of another employee Mrs Ellis"

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.

Thomas W. Hunt
Signature of Warden/Supervisor or Designee

Ward
Title

7-22-22
Date

AUG 03 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 disrespected me as an inmate. As stated in ADC policies inmates have the right to file a grievance on an employee who abuse there authority and threaten an inmate with disciplinary 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 seriously Corporal Eliis is not only lying but to protect her job. This is the second time I have filed a complaint in verbal threats in regards to

https://eomiscluster.state.ar.us:7002/eomis/interface/interface_2_0_clearPage.jsp?skipBod... 7/21/2022

Staff threatening with disciplinary action.

I agree that Captain Barden was conducting an investigation until I felt intimidated by him. Corporal Ellis just watched as the verbal threats continued. Captain Barden disrespected the uniform and the oath that it carries.



ADC#:

7/22/22

Date

Inmate Signature

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

RECEIVED

AUG 03 2022

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

Truck Mail

INMATE NAME: Buchanan, Christopher

ADC #: [REDACTED]

GRIEVANCE#: GR-22-00740

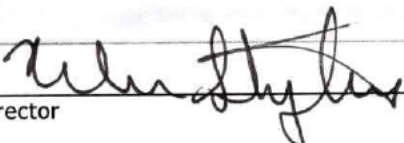
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

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 disciplinary 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 [REDACTED] set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on [REDACTED] 3:22-CV-00161-DPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retaliating against me and threatening me while a lawsuit is pending against [REDACTED] 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

8-8-22

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.

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: <u>Christopher Buchanan</u>	ADC Number: <u>[REDACTED]</u>	Date: <u>7-8-22</u>
Housing Assignment: <u>22</u>	Job Assignment: <u>Pickettman</u>	
To (Staff Member): <u>Warden</u>	Office: <u>Warden</u>	

I have a request concerning the following area (circle one):

Classification Parole Visitation Medical Telephones Property
 Mail Law Library Commissary General Library Job Assignment
 Staff Mental Health Personal Hygiene Other: Warden

Detailed Reason for Request: I am requesting for I.A. to investigate the incident of Captain Borden and Ellis Corporal and to be put on a black box Corporal Ellis is not only lying but covering up for Captain Borden. Captain Borden is known for intimidating inmates and violating rules regulation and policies of ADC

Have you talked to any staff member about this request? ☐ Yes ☐ No If so, whom?
 Staff member(s) contacted: _____ Date: _____

Ch Buchanan
 Inmate's Signature

7-8-22
 Date

Staff Member Responding: _____	Date: _____
--------------------------------	-------------

I have reviewed your request and my finding is as follows: _____

Denied

Thomas W. Hunt
 Staff Signature

I am referring this request to: _____

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 [REDACTED]), *Claimant* (w/ encl.)

<p>Note to Claimant or Claimant's counsel: 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.</p>
--

Please print in ink or type

FEB 10 2023

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Christopher Buchanan (ADC [REDACTED]), Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces	
Claim No.	_____
Date Filed	_____ (Month) (Day) (Year)
Amount of Claim \$	_____
Fund	_____

COMPLAINT

Christopher Buchanan (ADC [REDACTED]), the above named Claimant, of [REDACTED]
(Name) (Street or R.F.D. & No.) (City)

County of _____ represented by _____
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

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

State agency involved: ADC Grimes Unit, Borden, Ellis, Warden, Director Amount sought: \$10,000

Month, day, year and place of incident or service: [REDACTED] 7-8-22

Explanation On 7-7-22 around 7:30 AM to 9:00 AM Cpt R Borden called me down to his office Corporal Ellis was also in the office Captain Borden ask me several question in regards to Jareal R Lane ADC # [REDACTED] Corporal Ellis was listening to this conversation Captain Borden immediately start threatening me with disciplinary action by saying and I quote if you fucking lying to me I'm going to fire yo Ass up. This employee not only threaten me because of this incident but because I had a pending lawsuit against ADC Borden - CV-20161-PPM-JTK. This employee Captain Borden Acted Negligent and violated rules regulation and policies of ADC Grimes unit AR 225 Employee Conduct Standard AD 13-06 Mission statement, G.U. 3.7.0 Employee Conduct standards / code of ethics, G.U. 14.1.0 Legal Rights of Inmates G.U. 14.4.0 Inmate Grievance Procedure, G.U. 28.1.0 Unit Management overview and objectives. G.U. 3.1.0 personnel Function, Corporal Ellis continue to watch as the verbal threat continued Failing to report this incident to an higher superior violating Rules regulation and policies of ADC AR 225. AR 14. Internal Affairs and Investigations G.U. 3.7.0 G.U. 14.10 G.U. 14.40, G.U. 28.10 G.U. 3.10, AD 13. The Director and Warden refused to put both employee on the black box which would of told who was telling the truth and did they both lie under oath. Corporal Ellis Acted Negligent by failing to report a Critical Incident and both employee retaliated against Christopher Buchanan for also having a pending suit against ADC later Christopher Buchanan dropped it because of intimidation from Captain Borden and Ellis.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer the

; when? _____; to whom? _____
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: _____

and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____; if so, state name and add

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____ and was acquired on _____, in the following ma

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 bel

that they are true.

Christopher Buchanan
(Print Claimant/Representative Name)

[Signature]
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Newport Ar

on this 7 day of February 2023
(Date) (Month) (Year)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

RECEIVED

Unit/Center

Name Christopher Buchanan

JUL 14 2022

GRIEVANCE

ADC#

Brks #

22

Job Assignment

picketman

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

GR-22-00-740
7-14-22
802

7-8-22 (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: The Captain and the C/O is lying to cover each other and request them to be on 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 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? 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 7-7-22 around 7:30 AM 9:00 AM

I was called down to the captain office when I walked in Mrs. Ellis was in there along with the captain. The captain Ask Seven question but also threaten me with a disciplinary action by saying if you fucking lying to me I'm going to fire ya Ass up. This employee violate rules and policy of ADC 004.00.001 AR 205 Rule 004.00.20-16 Employee Conduct Standards 004.00.93-009 and 004.00.96.003 rule 7 This employee had no right to use force and on disrespect me as an inmate. Under the rules set forth inmates and staff are to respect each other. Because I have a lawsuit pending on 3:22-CV-00161-PPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment equal protection of the law and intimidating me while retaliating against me and threatening me while a lawsuit is pending against me. While in front of another employee Mrs. Ellis Captain asks me several question in regards to another inmate and threaten me, so then inmates will set for me toward the back hallway and the captain knows 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 7-9-22 (date), and determined to be Step One and/or an Emergency Grievance No (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)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

Cpt. R. Barden remained professional at all times according both Cpt Barden and Cpl A. Ellis. Inmate was questioned in regards to an investigation about stolen property of his former cellmate. He was advised lying would result in disciplinary action. 7-13-22

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 03 2022

Date:

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

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Attachment III

IGTT410
3GSINMATE NAME: Buchanan, Christopher

ADC #: [REDACTED]

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 disciplinary 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 [REDACTED] set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on [REDACTED] Unit 3:22-CV-00161-DPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retaliating against me and threatening me while a lawsuit is pending against [REDACTED]. While in front of another employee Mrs Ellis"

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.

Thomas W. Hunt
Signature of Warden/Supervisor or Designee

Ward
Title

7-22-22
Date

AUG 03 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 disrespected me as an inmate. As stated in ADC policies inmates have the right to file a grievance on an employee who abuse there authority and threaten an inmate with disciplinary 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 seriously Corporal Eliis is not only lying but to protect her job. This is the second time I have filed a complaint in verbal threats in regards to

https://eomiscluster.state.ar.us:7002/eomis/interface/interface_2_0_clearPage.jsp?skipBod... 7/21/2022

Staff threatening with disciplinary action.

I agree that Captain Borden was conducting an investigation until I felt intimidated by him. Corporal Ellis just watched as the verbal threats continued. Captain Borden disrespected the uniform and the oath that it carries.



ADC#:

7/22/22

Date

Inmate Signature

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

RECEIVED

AUG 03 2022

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

Truck Mail

INMATE NAME: Buchanan, Christopher

ADC #: [REDACTED]

GRIEVANCE#: GR-22-00740

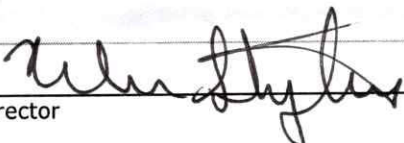
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

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 disciplinary 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 [REDACTED] set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on [REDACTED] 3:22-CV-00161-DPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retaliating against me and threatening me while a lawsuit is pending against [REDACTED] 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

8-8-22

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.

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: <u>Christopher Buchanan</u>	ADC Number: <u>[REDACTED]</u>	Date: <u>7-8-22</u>
Housing Assignment: <u>D-2</u>	Job Assignment: <u>Pickettman</u>	
To (Staff Member): <u>Warden</u>	Office: <u>Warden</u>	

I have a request concerning the following area (circle one):

Classification Parole Visitation Medical Telephones Property
 Mail Law Library Commissary General Library Job Assignment
 Staff Mental Health Personal Hygiene Other: Warden

Detailed Reason for Request: I am requesting for I.A. to investigate the incident of Captain Borden and Ellis Corporal and to be put on a black box Corporal Ellis is not only lying but covering up for Captain Borden. Captain Borden is known for intimidating inmates and violating rules regulation and policies of ADC

Have you talked to any staff member about this request? ☐ Yes ☐ No If so, whom?
 Staff member(s) contacted: _____ Date: _____

Ch Buchanan
 Inmate's Signature

7-8-22
 Date

Staff Member Responding: _____	Date: _____
--------------------------------	-------------

I have reviewed your request and my finding is as follows: _____

Denied

Thomas W. Nant
 Staff Signature

I am referring this request to: _____ 1/31/18

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 ([REDACTED])

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:

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,



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 ([REDACTED]

[REDACTED]



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 [REDACTED])
[REDACTED]

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.
- 2) 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 timely 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

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER BUCHANAN (ADC [REDACTED])

CLAIMANT

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:

1. 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 pro se, 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*.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as 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 [REDACTED] of the ADC. He is serving a 70-year sentence on a conviction of murder 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 [REDACTED]
[REDACTED]



Thomas Burns

INMATE NAME: Buchanan, Christopher

ADC #: [REDACTED]

GRIEVANCE#: GR-22-00740

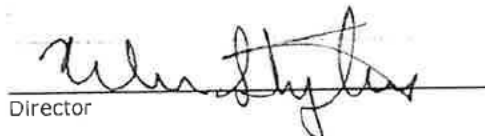
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

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 disciplinary 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 [REDACTED] set forth Inmate and staff are to respect each other. Because I have a lawsuit pending on [REDACTED] 3:22-CV-00161-DPM-JTK this employee is retaliating against me and violating my 8th Amendment and 14th Amendment Equal protection of the law and Intimidating me while retaliating against me and threatening me while a lawsuit is pending against [REDACTED] 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

8-8-22
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 20 2023

RECEIVED

Christopher Buchanan

plaintiff

VS 230997

Arkansas Division of Correction

Defendant

Motion for hearing

Come now Christopher Buchanan ([REDACTED]) requesting
a hearing on this matter.

Dear Kathryn Irby

Hello my name is Christopher Buchanan HRC [REDACTED]
currently at [REDACTED] + [REDACTED] [REDACTED]
[REDACTED]

I currently have 2 state claims pending with the
state claim commission and I would like to request
a hearing on both cases on the matter. Thank you for
taking the time to read and respond to my letter.

Sincerely
Christopher [REDACTED]

Christopher Buchanan

Plaintiff.

VS 230997

Arkansas Division of Correction

Defendant

Motion for objection

Come now plaintiff proceeding in state claim states as follows.

1. Plaintiff contend to this court that the defendant should be denied completion of the investigation and held in abeyance until the investigation is completed.

2. Plaintiff contend to this court on 7-8-22 requested for an Internal Investigation and was denied by Warden Hurst. Shann in Exhibit A plaintiff also contend on 7-7-22. filed a grievance and requested an Internal Investigation and ~~only~~ only got an investigation not an internal investigation of these employees. Captain Bardon and Corporal Ellis.

3. Now since plaintiff has filed a claim against Arkansas Department of Correction now they want to do a completion of investigation and by internal affairs and should be denied this

request,

4. Plaintiff contend from 7-7-22 until 8-8-22 Defendants had numerous occasion and several months to investigate and refused to do an internal investigation even by Warden Hovest who refused to investigate this matter toward your plaintiff.

5 Plaintiff has shown strict proof of these allegation shown in Exhibit A and in your plaintiff grievance.

6 Plaintiff request that there order be denied.

STATE OF ARKANSAS)
COUNTY OF Jacason) §§

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this
21 day of March, 20 23.



NOTARY PUBLIC

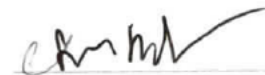
My Commission Expires: 5/6/2026



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 March, 20 23, a copy of the foregoing was mailed by U.S. Postal Service, with sufficient postage paid to the following:

_____ Christopher Buchanan



Petitioner, pro se



MAR 29 2023

RECEIVED

Christopher Buchanan

Claimant

VS no 230997

Arkansas Department of Corrections
Division of Correction

Respondent

Motion To object To
Motion To Dismiss

Come now Claimant proceeding in state claim
state as followed.

1. Claimant contend to this court that state claim has
jurisdiction to here this claim.

2 Claimant contend that in Claimant Complaint state policies
of ADC violation and retaliation claim that caused your
Claimant physical mental and emotional distress. Claimant
further contend that Captain Barden and Ms Ellis acted negligence
in their job performance to also include Warden Hurst who
refused to investigate the matter as shown in Exhibit A
request form,

3 Claimant contend that Claimant had a law suit pending
in Federal Civil Court 3:22-cv-00161-DPM-ERE but dropped

it because of Captain Burden threat and physical harm even to also include disciplinary action. Warden Hurst know or should have known to investigate a staff threatening an inmate also to include to be put on Black box. Warden Hurst is in charge of his staff and violate Section [11-41-503] 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 safety protocol causing your claimant to suffer severely with physical mental and emotional distress anxiety and PTSD. Claimant contend that he has sought Mental Health for the emotional distress, physical and Mental anguish.

5 Claimant contend under the state tort claim act the emotional physical and Mental anguish that was caused by the respondent threats of disciplinary action that forced your claimant to drop his law suit previously stated. that would have prevail in federal court if the respondent never made threats toward your claimant further more if Warden Hurst would have investigated the matter

or turned it over to Internal Affairs, Captain Borden never remain
professional. Mrs Ellis know that ^{claimant} ~~Complaint~~ was threaten and
refused to do anything about it not even protect claimant safety

6. ~~Complaint~~ Claimant contend that Terrell R Lane ([REDACTED])
will testify that your claimant was called down to the
office claimant told Terrell R Lane that Captain Borden
threaten your claimant and fear for his safety that I was going
to file a grievance on him. Claimant will contend ~~to~~ this court
that Claimant has plead enough facts to state a claim
and the defendant is liable for the misconduct alleged.

Furthermore claimant contend Warden Hurst refused to investigate
the matter into his own employee which his action was negligent
under ADC standards ~~and~~ policies and rules ~~and~~ Also by ADC
[REDACTED] ^{govern} and laws by this state. Section [18-41-503]

7 Claimant Contend that these staff refused to implement
safety, & Warden Hurst refused to investigate 3 staff
violated rules regulation, policies of ADC and ADC [REDACTED]
Unit 4 state law govern by this state state Tort claims

MAR 29 2023

Act 5 Retaliation.

RECEIVED

8. Claimant contend that ADC has refused on several occasions to investigate facts of alleged incident because they are under staff with Security and barley has enough staff / Security to cover post. As many inmate will testify in regards of staff related problem that Warden Hurst refused to investigate or try to sweep under the rug, also to include Deputy Warden Harris, these are not allegation but facts that inmate will testify to. also to include under staff why investigation get denied even including myself which shows proof in request form Exhibit A

9. Claimant request that there motion to be dismissed be denied and any and all other relief Claimant is title to.

STATE OF ARKANSAS)
COUNTY OF Jackson) §§

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this
21 day of March, 20 23.


NOTARY PUBLIC


My Commission Expires: 5/6/2026



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:

_____ Christopher Buchanan


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 [REDACTED])
[REDACTED]

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 [REDACTED])

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.

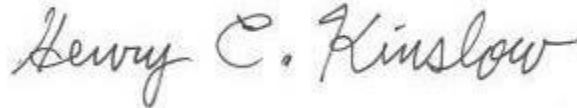
6. Respondent's motion to dismiss is GRANTED, and Claimant's claim is DISMISSED.

7. Any other pending motions are denied as moot.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: July 21, 2023

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).

Christopher Buchanan

Claimant

AUG 05 2023

RECEIVED

Claim No 230997.

Arkansas Division of
Corrections

Respondent.

Motion To Appeal.

Come Now Claimant Christopher Buchanan.
requesting an appeal on Commission decision.

1. Claimant contends to this court that Cpt R. Barden violate rules regulation and policies of ADC grimes unit AR 225, 004.00-001, rule 004 00.20-16 Employee Conduct Standard.

2 Claimant further contend that respondent used verbal, ~~threatening~~ Harassment, that was protected by Claimant First and 14th Amendment right under article 1, 2, 3rd.

3 Claimant contend this Respondent Cpt R Barden acted in negligence. in his duties, causing mental and emotional harm / distress toward your claimant.

4 Claimant further contend that Respondent Cpt R. Barden had Breach his contract with ADC by violating ADC policies and state regulation. to ^{protect} inmates from unreasonable risk.

5 Claimant contend that these unreasonable risk.

was verbal threats, and Harassment causing your claimant mental and emotional distress/harm under Intentional Infliction of Emotional distress.

6 Claimant contends under Hedges v. Lumora 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.

7 Claimant further contends that respondent Sgt R Borden under State and Federal rules violate claimant rights in accessing the court with verbal and threatening abuse. in order to drop^a lawsuit pending against ADC crimes unit. 3:22-CV-00161-DPM-JTK. Claimant contend this respondent acted in negligence causing serious mental and emotional distress/harm, while accessing a protected right protected by state and Federal rules, and laws

8 Claimant contend that Corporal Ellis violate rules regulation and policies of ADC crimes unit AR 825 004.00-001 rule-009 00-20-16 Employee Conduct standard, G.U. 3.70 G.U. 3.1.0.

9 Claimant contend that respondent listen to Sgt R Borden used verbal threats, and Harass your claimant

10 Claimant contend this respondent Corporal Ellis acted in negligence in her duties causing mental and emotional harm/distress toward your claimant

11 Claimant contend that Respondent Corporal Ellis had Breach her contract duties with ADC by violating ADC policies and state regulation to protect inmates from unreasonable risks.

of Cpt R Borden verbal abuse and Harassment and failed to report the incident to her superiors

12 Claimant contend because Corporal Ellis neglected her job duties and performance and caused your claimant mental and emotional distress harm under Intentional Infliction of Emotional distress.

13 Claimant contend that Corporal Ellis purposely lied to superiors to cover up Cpt R Borden Negligent action acting in coercion with each other.

14 Claimant contend further that Jeral Lane who Cpt Borden was investigating can attest that your claimant was threatening and Harassment.

Statement of facts

Claimant states several claims of facts

(2) Negligent. (2) Intentional Infliction of emotional distress and any other claim to be included.

15 Claimant contends that Cpt R Borden Acted Negligent and Breach his job duties causing unreasonable risk with verbal threats and Harassment toward your claimant.

16 Claimant further contend that captain R Borden caused Intentional Infliction of emotional distress.

Knowing the Harassment and verbal threats violate state policies and AOC policies.

17 Claimant contend that Corporal Ellis Acted Negligent and Breach her job duties causing unreasonable risk by allowing

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 investigation or even to Warden,

18 Claimant further contend that because of her action and her neglectation of her job duties and performance Corporal Ellis caused Intentional Infliction of emotional distress.

19 Claimant contend these respondents knew they were violating rules regulation and policies this is also to include state and Federal laws.

20 Claimant contend Corporal Ellis violate Article 1, 2, 3 and 8 in negligence and had a job duty to protect your claimant from unreasonable risks of threats and harassment from Cpt Barden and refused to do so.

Claimant request an ~~over~~view of his complaint
Claimant request an overturn of motion to dismiss and grant hearing.

Claimant request further to Subpoena witnesses to confirm these facts of these allegations so the truth can prevail.

STATE OF ARKANSAS)
COUNTY OF Jackson) §§

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this
12 day of July, 20 23.


NOTARY PUBLIC

My Commission Expires: June 9th 2032

ZACHERY HARMON
JACKSON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires June 09, 2032
Commission No. 12719903

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 12 day of July, 20 23, a copy of the foregoing was mailed by U.S. Postal Service, with sufficient postage paid to the following:

Arkansas State Claims Commission Christopher Barber
101 East Capitol Avenue
Suite 410
Little Rock AR 72205

