

Please print in ink or type

AUG 09 2023

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

☒ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

Joshua Stockton (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

Joshua Stockton (ADC [REDACTED]), the above named Claimant, of [REDACTED] (City)

[REDACTED] (State) [REDACTED] (Zip Code) [REDACTED] (Daytime Phone No.) County of [REDACTED] represented by Proge Channing  
(Legal Counsel, if any, for Claim)

of [REDACTED] (Street and No.) [REDACTED] (City) [REDACTED] (State) [REDACTED] (Zip Code) [REDACTED] (Phone No.) [REDACTED] (Fax No.), says:

State agency involved: Arkansas Division of Corrections (A.D.C.) Amount sought: \$10,000.00 (ten thousand)Month, day, year and place of incident or service: From 4-4-2023 Through 5-2-2023, A.D.C. grievance Procedures Redress

Explanation: STATE Employees were negligent in their redress of claimants protected activities by grievance procedures by (Evidence #1) Altering Content body, limiting the scope of responses. (Evidence #2) By rejecting as untimely by Ms. Carmel Steward in [REDACTED] Unit A inmates attempt to notify Administration of incidents that directly impact his incarceration and confinement owed to him by Ark. Code § 004.03.1-835(III) which is The Policy that State Employees must abide by. (Evidence #3) On 4-19-2023 Inmate did his Appeal to the chief deputy dir. of Appeals clearly notifying him of Conspiracy to cover up issues grieved and that Ms. Steward was Retaliating (in Alterations and Rejecting grievances) And how there was nothing untimely about my side's grievance processes. (Evidence #4) On 5-2-2023, Marshall Reed Responded (at arrowed sections) Limiting the scope of responded content, not addressing the alterations or Conspiracy notice given upon appeal to him, not fulfilling his duty owed the claimant found on (Evidence #5) written by Carmel Steward herself At [REDACTED] Unit citing AD, 19-34 about Unit level rejections and that inmates may appeal the decision within 5 working days. Though STATE Employee, Marshall Reed was negligent in his duty by not fulfilling his duties owed the claimant of An unbiased, Appeals process available to claimant. The monetary compensation is for damages to inmates state rights afforded to him vested by the Board of Corrections Found in Ark. Code 004.03.1-835.

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 thereof?

Yes (Yes or No); when? 05 / 02 / 2023; to whom? Marshall Reed, Chief Dep. Dir. Central Office ADC (Department)and that the following action was taken thereon: No Merits / No Corrective Actions TakenOnce notified of negligent conduct by STATE STAFF on Grievance # [REDACTED] 22-00132and that \$ 0.00 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address

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

and that the nature thereof is as follows: \_\_\_\_\_

\_\_\_\_\_ and was acquired on \_\_\_\_\_, in the following manner: \_\_\_\_\_

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

that they are true.

Joshua Stockton ADC [REDACTED]  
(Print Claimant/Representative)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Pine Bluff ARKANSAS

(City) (State)

GEORGE DUNCAN JR  
NOTARY PUBLIC-STATE OF ARKANSAS  
JEFFERSON COUNTY  
My Commission Expires 06-19-2025  
Commission # 12695904

(SEAL) on this 4th day of August, 2023

(Date) (Month) (Year)

George Duncan Jr

(Notary Public)

SF1- R7/99

My Commission Expires: 06 19 2025

(Month) (Day) (Year)



Duty: State Employees as officers of the Arkansas Division of Correction owe the Claimant Joshua Matthew Stockton the opportunity to submit grievances on policy, conditions, incidents and actions related to his incarceration which directly impacts him regarding 'incidents' of adic employees threats upon a protected activity grievance and the negligent acts of said employees of the State whom do so.

Arkansas Administrative Code 004.03.1-835 - (Formerly cited as - A.R. A.D.C. 004.00.2-835): (I) Authority - The Board of Correction and Community Punishment (B.C.C.P) is vested with the Authority to promulgate this administrative rule by ARK. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205 (Michie Supp. 1995) (II) Applicability - This policy applies to Employees and offenders of the Department of Correction (DOC) and the Department of Community Punishment (DCP) staff, inmates and residents of Community Punishment Centers. (III) Policy - It is the policy of the Board of Corrections and Community Punishment that offenders are provided an opportunity to submit grievances regarding policy, conditions, incidents or actions related to incarceration / confinement which directly impact them.

(IV) Guidelines - A.) Administrative Directives establishing procedures will be set forth by each agency. B.) Procedures shall, at minimum provide for The Following:  
Offender notice of the grievance process; Timely, effective and impartial processing of grievances ~~activity~~; An appeals process; appropriate documentation of grievance activity; and speedy dispositions of emergency situations, with security and safety the paramount concern. C.) use of the grievance procedure shall occur without restraint, coercion, discrimination, interference or reprisal. Violation of this guideline shall result in prompt and decisive action. D.) The grievance procedures shall exclude complaints regarding release, transfer, disciplinary or other matters excluded by administrative directives. -

Current with amendments received through Nov. 15, 2022. Ark. Admin Code 004.03.1-835, AR ADC 004.03.1-835.



According to Administrative Directive 19-34; Inmate Grievance procedure and on the Rejection of unit Level Grievance Attachment II. IF you disagree with a rejection you may appeal the decision within 5 business days by mailing to Chief Deputy / Deputy / Assistant Director.

Breach of Duty: STATE Employee Carmel Steward on grievance # [REDACTED]-23-00132 did breach the duty under grievance procedures by Rejecting as untimely step 1 dated 4-7-23, Step 2 dated 4-11-23, Grievance office reviewed on 4-13-23 and Later Rejection of 'untimely' dated in Red 4/19/23. The only untimeliness was due to her processing of the grievance and negligent conduct. Attachment II is highlighted strongly as 'untimely' not because content was uncredible or duplicate of or was frivolous or venturous. Though Mrs. Steward doesn't state how or why its untimely. By Stating Claimants grievance is 'untimely' does violate Ark Admin Code 004.03.1-835 under the Board of Corrections authority to Employees of the state to allow claimant to pursue section (III) Policy regarding claimant opportunities to grieve policy, conditions, incidents or actions related to his incarceration. And section (IV) Guidelines state "Procedures shall - at minimum provide for 'timely, - Impartial, Effective processing of grievances; an appeals process; appropriate documentation of grievance activity..." Rejecting untimely violates the procedural minimum requirements of the State of Arkansas And the Vested Board of Corrections Mandates for policy of the grievance procedures available to claimant granted by the state. STATE Employee Carmel Steward also on [REDACTED]-23-00132 upon typing up the grievance 'misrepresented' by purposely mistyping contextual wording circled for your observation in the altered area, which give appealed grievance of notification attempt of threat on inmate a sound that The grievance itself is a Secondary appeal And not its own grievance informing of State Employees negligent conduct on a grievance. which on appeal harmed the 'investigational' aspect that claimant requested through the grievance and 'machination' in the type up and Stating of untimely was the injury to claimant that



violated the forementioned Policy And procedures that are owed to the claimant by ms. Steward  
STATE Employee Marshall Reed, Chief deputy Director at Central office, A.D.C., on grievance  
Appeal # [REDACTED] 23-00132 dated 5-2-2023 STATES "Per A.D. 19-34 Inmate Grievance procedure  
section IV. Procedures; Subsection G. Steps to Appeal the Unit Level grievance Decision, #6.  
A decision or rejection of an appeal at this Level is the end of the grievance process -  
The response shall be in written format, - Then he states - The grievance # [REDACTED] 23-00061 has  
been processed to completion, which means the decision is final, therefore, I will not -  
address the merit of this appeal."

Claimant previously addressed grievance officer Carmel Steward's alterations of his form,  
which has 'Limited the scope' of context for the Appellate employee of the state. But,  
within the grievance it is enough to see the claimant requested a investigation into the name  
& A threat made upon claimant in grievance # [REDACTED] 23-00061 by A Deputy warden And it  
was the Chief deputy's duty to intervene in such conduct And the chief deputy did not  
do so in violative conduct on a grievance which is negligent conduct. Chief deputy  
marshall reed is owed the duty to the claimant by the state And the (B.O.C.) By  
Ark. Admin. Code 004.03.1-835 section (I) as a STATE Employee to adhere to the  
Policy (section II) allowing claimant an opportunity to submit grievances regarding -  
policy, Conditions, incidents or actions related to incarceration/ Confinement which  
directly impact him. Chief deputy marshall Reed by not allowing the appeals for  
PS-23-00132 due to stating a referenced grievance was completed to completion  
limited the scope of the grievanced incidents and Conditions of the claimant's  
grievance and violated policy Ark. Code. 004.03.1-835 section IV (B) in the  
process, By thwarting the Appeal process and making it unavailable to the  
claimant. And as a STATE Employee Chief deputy marshall Reed is vested  
Charge of inmate care, custody, charge, Control, management, administration,  
and supervision under STATE Code § 12-27-103 (B)(1).

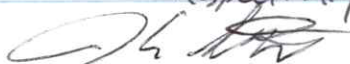


Causation: If States Employees Carmel Steward had not altered the content of the grievance issues, and purposefully done so, along with claiming untimely to the grievance the grievance would have and would have read the grievance properly claimants claim of violation of Codes Ark. Admin. Code 004.03.1-835 (III), (IV) of claimants vested right to state and (BOC) mandated minimums would not have been breached by the State employee Carmel Steward, and her 'machination' is hard not to call 'planned' due to the multiple issues on her side of the procedures (1. mistyped content, 2. long periods between 4-13 rec. date and her rejection of untimely of 4/19/23 (six days after she received it on her desk), 3.) The content of my grievance state employees of threat.

STATE Employee Marshall Reed, had not on appeal to his office, not limited the scope of the responded to content, and violated claimants rights under Ark. Code 004.03.1-835 III (policy) and IV (Guidelines), By stating <sup>sub</sup> section (C) in a misrepresented (by grievance-officer tampering) was violating claimants STATE Policy right to an appeal to his grievance of Employees of the state threats upon him, and an appeals process is a minimum requirement used to the claimant found in section III and section (C.) states "the use of the grievance procedures shall occur without restraint, coercion, discrimination, interference or reprisal. and the claimants injuries of violations of policy available to him where the direct result of the states employees acts or omissions to adhere to the policies aforementioned, and they are negligence related in duty -

The Eastern district of Arkansas case of Gary v. Langley, 2:17-cv-00117-LPR-(E.D. Ark. Sep. 13, 2021) says, "To prevail on a claim of negligence in Arkansas, the plaintiff (claimant) must prove that the defendant (1) owed a duty to the plaintiff, 2) that the defendant breached that duty 3.) and that the breach was the proximate cause (causation) of the plaintiffs injuries." Claimant has done so.

Respectfully Submitted,





## UNIT LEVEL GRIEVANCE FORM (Attachment I)

FOR OFFICE USE ONLY

Unit/Center

GRV. #

Name

Joshua Stockton

Date Received:

ADC#

Brks #

Job Assignment

Sanitation

GRV. Code #:

4-7-2023 (Date) STEP ONE: Informal Resolution

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

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

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

Is this Grievance concerning Medical or Mental Health Services? 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): Inmate One Complaint is DELIBERATE INDIFFERENCE. By Chief Deputy Director Marshall Reed. on 3-28-23 upon grievance # 23-00061 Inmate in his appeal from the warden's decision appealed to the Director's office. Appeals to identify the D/w by name in their investigation. Since warden page did not and the investigating chief deputy director did not reveal the D/w's name nor addressed the threat upon inmate Stockton. Inmate Stockton accuses the Chief Deputy of 'misrepresenting' on appeal the context in issue within the inmates grievance in order to cover up a subordinate's actions upon a past grievance. Thus in doing so Chief Deputy Director Marshall Reed is liable in infringement of inmates First Amendment Right for redress afforded the inmate by the U.S. Constitution. 23-00061 was inmates appeal for the identity of the unnamed D/w whom said the threat and notifying ADC administration of the threat, but C. Dep. Marshall Reed didn't raise inmates grievance issues on 23-00061 only agreed with whatever the warden said, as is a custom of the Chief Dep. Dir. Marshall Reed.

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 4-7-23 (date), and determined to be Step One and/or an Emergency Grievance

(Yes or No) This form was forwarded to medical or mental health? (Yes or No) If yes, name

of the person in that department receiving this form:

Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

Henry Bar 4-7-2023 the grievance officer stated that you have exhausted the grievance on this issue and it has already been addressed on another grievance.

Staff Signature &amp; Date Returned

4-12-2023 Sgt Bar

Inmate Signature &amp; Date Received

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

Staff Who Received Step Two Grievance:

Date:

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

If forwarded, provide name of person receiving this form:

Date:

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



# GRIEVANCE OFFICE

UNIT LEVEL [REDACTED] (Attachment I)

Unit/Center [REDACTED]

Name Joshua Stokton (Evidence #2)

ADC# [REDACTED] Brks # [REDACTED] Job Assignment [REDACTED]

FOR OFFICE USE ONLY

GRV. # 23-00132

Date Received: 4-13-23

GRV. Code #: 799

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4-7-2023 (Date) STEP ONE: Informal Resolution

4-11-23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: No answer to Step 1 process

Also Staff didn't do their part below right

(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: [REDACTED]

APR 13 2023

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): Inmate One Complaint is Deliberate Indifference

By Chief Deputy Director Marshall Reed. on 3-28-23 upon grievance 23-00061  
Inmate in his Appeal From the warden's Decision Appealed to the Director's Office of Appeals  
to identify the D/W by name in their investigation. Since warden page did not and the  
investigating chief Deputy Director did not reveal the D/W's name nor addressed the  
threat upon inmate Stokton. Inmate Stokton accuses the Chief Deputy of  
'misrepresenting' on Appeal the context in issue within the inmates grievance  
in order to cover up a Subordinates actions upon a past grievance - thus  
in doing so Chief Deputy Director Marshall Reed is liable in infringement  
of inmates First Amendment Right for redress Afforded the inmate by  
the Ohio Constitution. 23-00061 was inmates appeal for the identity of  
the unnamed D/W whom did the threat and notifying Adm administration  
of the threat, but C. Dep. Marshall Reed Didnt reveal inmates grievance  
on 23-00061 only agreed with whatever the warden said, as is a custom  
of the Chief Dep. Dir. Marshall Reed.

Inmate Signature [REDACTED]

Date 4-7-2023

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 4-7-23 (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: [REDACTED] Date 4-7-2023

PRINT STAFF NAME (PROBLEM SOLVER) [REDACTED]

Staff Signature [REDACTED]

Date Received 4-7-2023

Describe action taken to resolve complaint, including dates: 4-7-2023 the grievance  
officer stated that you have exhausted the grievance on this  
issue and it has already been address on another grievance.

Staff Signature & Date Returned 4-12-2023 SJBan Inmate Signature & Date Received [REDACTED]

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

Staff Who Received Step Two Grievance: Date:

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

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

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

RECEIVED  
INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

GRIEVANCE ON

RECEIVED

GRIEVANCE ON

RECEIVED

appeals  
proceedings

CENTRAL  
OFFICE

Truck  
mail

ADMINISTRATIVE  
STAMP



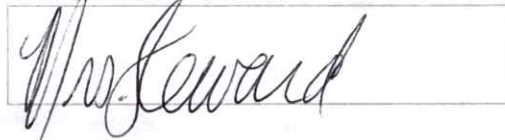
Evidence # 3

## ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Stockton, Joshua  
FROM: Steward, Carmel Y  
DATE: 04/19/2023

ADC #: [REDACTED]  
TITLE: ADC/ACC Program Specialist  
GRIEVANCE #: [REDACTED] 23-00132

Please be advised, I have received your Grievance dated 04/07/2023 on 04/13/2023.  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC/ACC Program Specialist

### CHECK ONE OF THE FOLLOWING

- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- ☐ This Grievance has been determined to be an emergency situation, as you so indicated.
- ☐ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☒ This Grievance was REJECTED because it was either non-grievable ( ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, 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. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a 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.

Inmate alleges a conspiracy to cover up upon protected activity for the Ch. Dep. Dir. by Mrs. Steward  
Inmate claiming retaliation by Mrs. Steward for my grieving her previously for her incorrectly  
There is no given context of why the denial of untimely has  
been assessed, all dates of the grievance are in the days required.  
Labeling a grievance and where it was

There is nothing untimely about my  
grieved issue of Deliberate Indifference  
And I appeal to the Director

  
Inmate Signature

4-19-23  
Date

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

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APR 21 2023

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

EVIDENCE #4

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00132

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

In your grievance dated 4/7/23, you stated, "INmates one Complaint is DELiberate INDifference By chief Deputy Director MARshall Reed . on 3-28-23 upon Grievance # [REDACTED] 23-00061 inmate is his APPEAL From The wArdens Decision APPEALed to The Directors office of APPEALS to identify the D/w by nAME in their 'investigation' Since wArden PAGE did not And The investigating chief Deputy Director Did not reveal the D/w's name nor addressed The 'threat' uPon inmate Stockton . Inmate StockTon Accuses the chief Deputy of 'misrepresenting' on APPEal the Context in issue within the inmates grievance in order to Cover up a Subordinates actions uPon a PAST grievance thus in doing So Chief Deputy Director Marshall Reed is Liable in infringment of inmates First AmEndment Right for redress Afforded the inmate by the u.s. Constitution [REDACTED] 23-00061 wAs inmates appeal for the identiy of the unnamed D/w whom did the threat And Notifying Adc AdministrAtion of the threat . but C. Dep. Marshall Reed Didn't raise inmates grieved issues on [REDACTED] 23-00061 only Agreed with whatever the Warden SAid , As is A Custom of the Chief Dep. Dir. Marshall Reed."

ALTERED  
By  
Grievance  
officer

On 4/21/23 your grievance was rejected at the unit level, due to being untimely.

Your appeal was received on 4/21/23. I have reviewed your appeal and I find that you have not followed the guidelines of the grievance policy. Per AD19-34 Inmate Grievance Procedure; Section IV. Procedures; Subsection G. Steps to Appeal the Unit Level Grievance Decision; #6. A decision or rejection of an appeal at this level is the end of the grievance process. The response shall be in written format.

The grievance [REDACTED] 23-00061 has been processed to completion, which means the decision is final, therefore, I will not address the merit of this appeal.



Director

5-2-23  
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.

Evidence —

In The Eastern District of Arkansas in case : Gary V. Langley, 2:17-CV-00117-LPR ( E.D. SEP. 13, 2021 ) it says, " To prevail on a claim of negligence in Arkansas plaintiff (claimant) must prove that the defendant owed a duty to the Plaintiff, that the defendant breached that duty, and that breach was the proximate cause of the plaintiff's injuries "

20)



# UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Pine Bluff Complex

Name Joshua Stokton

ADC# [REDACTED] Brks # [REDACTED] Job Assignment Sanitation

FOR OFFICE USE ONLY

GRV. # \_\_\_\_\_

Date Received: \_\_\_\_\_

GRV. Code #: \_\_\_\_\_

5.17.23 (Date) STEP ONE: Informal Resolution

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

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

Is this Grievance concerning Medical or Mental Health Services? 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): GRIEVANCE OFFICER CARMEL STEWARD  
HAS ON 23-00154, 23-00164, 23-00165 ALL HAVE BEEN "REJECTED AS UNTIMELY" BY MRS. STEWARD, STATING NO EVIDENCE OF HOW ANY OF THE GRIEVANCES ARE "UNTIMELY". AS ALL GRIEVANCES WERE WITHIN THE TIME FRAME AS ADC GRIEVANCE PROCEDURE REQUIRES. INMATE'S ONE COMPLAINT IS: "CONSPIRACY TO BLOCK INMATE STOKTON'S FIRST AMENDMENT RIGHT FOR REDRESS" BY GRIEVANCE OFFICER FOR PINE BLUFF UNIT FOR A.D.C. THIS IS NOT THE FIRST OCCURRENCE OF CARMEL STEWARD INTERFERING IN INMATE'S ROUTING OF GRIEVANCES. ONE WAS ON 23-00058 BROUGHT TO HER ATTENTION ON 3-7-2023 AND ON FINAL APPEAL ON 3/31/23. BY BLOCKING THE GRIEVANCES IN THE UNIT LEVEL CAUSES INMATE HARM UPON HIS RIGHTS BY NOT ALLOWING ADMINISTRATIVE AUTHORITIES TO ACT ON BEHALF OF THE INMATE'S REDRESS NEEDS.

[Signature]  
Inmate Signature

5.17.23  
Date

If you are harmed/threatened because of 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 \_\_\_\_\_

Syvester Parker ID Number [REDACTED] Staff Signature [Signature] Date Received 5.17.23

Describe action taken to resolve complaint, including dates: According to AD 19-34 Inmate Grievance Procedure and on the rejection of Unit Level Grievance Attachment 2 If you disagree with a rejection you may appeal the decision within 5 working days by mailing to Chief Deputy/Deputy Assistant Director. You have the option to appeal instead of filing a new/separate grievance.

Staff Signature & Date Returned 5-24-2023 Inmate Signature & Date Received [Signature] 5-24-23

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

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

ENCLOSURE  
#5

Claims Commissioner —

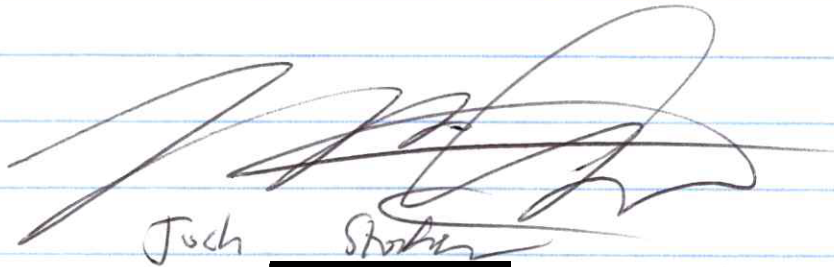
AUG 09 2023

RECEIVED

PLEASE send to me A claims form to:

Joshua Stockton ADC# [REDACTED]



  
Josh Stockton  
[REDACTED]

8-8-2023



## **Mika Tucker**

---

**From:** ASCC New Claims  
**Sent:** Friday, August 25, 2023 10:37 AM  
**To:** Thomas Burns (DOC)  
**Cc:** Kathryn Irby; Mika Tucker; Bilenda Harris-Ritter  
**Subject:** CLAIM: Joshua Stockton v. ADC, Claim No. 240211  
**Attachments:** Joshua Stockton ADC agency ltr 240211.pdf; Joshua Stockton Claim 240211.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

August 25, 2023

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

(via email)

RE: ***Joshua Stockton v. Arkansas Division of Correction***  
**Claim No. 240211**

---

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,

Mika Tucker

ES: cmcdaniel

cc: Joshua Stockton (ADC [REDACTED] Claimant (w/ encl.)  
Bilenda Harris-Ritter, *counsel for Ark. Dept. of Corrections* (w/encl.) (via email)

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



## Mika Tucker

---

**From:** Thomas Burns (DOC)  
**Sent:** Friday, August 25, 2023 11:38 AM  
**To:** ASCC Pleadings  
**Subject:** Joshua Stockton v ADC 240211  
**Attachments:** 0601\_001.pdf

Answer

Thank you,  
-TB



**THOMAS BURNS**  
PENITENTIARY WARDEN  
Arkansas Department of Corrections  
2044 Prisoners Plz  
Ft. Smith, Arkansas 72434  
Phone: (501) 281-1000 ext. 2000  
Fax: (501) 281-1000  
Email: Burns@adoc.state.ar.us

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**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**JOSHUA STOCKTON ( [REDACTED] )**

**CLAIMANT**

**v.**

**NO. 240211**

**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,



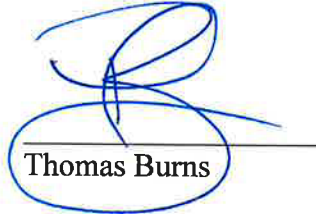
Thomas Burns (02006)  
Legal Services Unit  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602-9411  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov



**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 25<sup>th</sup> day of August 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Joshua Stockton ([REDACTED])  
[REDACTED]

  
Thomas Burns

## Mika Tucker

---

**From:** Misty Scott  
**Sent:** Tuesday, October 3, 2023 11:30 AM  
**To:** Thomas Burns (DOC)  
**Cc:** ASCC Pleadings; Mika Tucker  
**Subject:** CORR: Joshua Stockton v. ADC, Claim No. 240211  
**Attachments:** Joshua Stockton v. ADC211.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

October 3, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]

RE: ***Joshua Stockton v. Arkansas Division of Correction***  
Claim No. 240211

---

Dear Mr. Stockton,

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,

Mika Tucker

ES: msscott

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

## Mika Tucker

---

**From:** Thomas Burns (DOC)  
**Sent:** Tuesday, October 24, 2023 2:36 PM  
**To:** ASCC Pleadings  
**Subject:** Joshua Stockton v ADC 240211  
**Attachments:** 1485\_001.pdf

MSJ

Thank you,  
-TB



**THOMAS BURNS**  
PENITENTIARY WARDEN  
Arkansas Department of Corrections  
2044 Prisoners Plz  
Ft. Smith, Arkansas 72344  
Phone: (501) 281-1000 (ext. 2000) (501) 281-1000  
(501) 281-1000  
Email: Burns@adoc.state.ar.us

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**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**JOSHUA STOCKTON (ADC [REDACTED])**

**CLAIMANT**

**v**

**NO. 240211**

**ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION**

**RESPONDENT**

**MOTION FOR SUMMARY JUDGMENT**

Come now the respondent, Arkansas Department of Corrections (ADC), by and through their attorney, Thomas Burns, and for their Motion for Summary Judgment pursuant to Ark. R. Civ. P. 56, states:

1. The pleadings filed herein reveal that the facts in this case are undisputed or are settled.

2. As a result thereof, the ADC is entitled to summary judgment.

3. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of their pleadings, but their response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing there is a genuine issue for trial.

4. The inmate has not cited any legal authority that the summary judgment is inappropriate because the inmate is making Constitutional claims, is barred by Res Judicata in that he filed this claim in the Federal Court, has failed to respond to the Claims Commission, and has failed to exhaust his administrative remedies.

5. The Inmate bases his complaint upon deliberate indifference (42 USC 1983) and First Amendment violations. Furthermore his grievance was rejected as untimely and therefore has failed to exhaust. *See attached Ex A.*

6. The Arkansas State Claims Commission does not have jurisdiction over Constitutional matters and when an inmate fails to exhaust. "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).

7. Pursuant to the Prison Litigation Reform Act (PLRA), "no actions shall be brought with respect to prison conditions under Section 1983 of this title or any other Federal law, by a prisoner confined in any jail, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C § 1997e. In 1997, the Arkansas legislature adopted the PLRA's exhaustion requirement by enacting Ark. Code Ann. §16-106-202. That statute follows the PLRA by adopting a grievance exhaustion requirement for state actions:

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
  - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

8. The inmates grievance was rejected and since more than 15 days has elapsed since that rejection the inmate has failed to exhaust. "A basic rule of administrative procedure requires that an agency be given the opportunity to address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit" *Ark. HHS v Smith*, 370 Ark. 490. One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson*, 385 F.3d 503 (2004).



9. Proper exhaustion requires the inmate to have completed “the administrative review process in accordance with the applicable procedural rules.” *Jones v. Bock*, 549 U.S. 199, 218 (2007) (quoting *Woodford v. Ngo*, 548 U.S. 81, 88 (2006)). While the level of detail needed in a grievance will vary between systems, “it is the prison’s requirements, and not the PLRA, that define the boundaries of proper exhaustion.” *Jones*, 549 U.S. at 218. “[P]roper exhaustion demands compliance with an agency’s deadlines and other critical procedural rules because no adjudicative system can function effectively without imposing some orderly structure on the course of its proceedings.” *Woodford*, 548 U.S. at 90-91. The Supreme Court has held that exhaustion is no longer left to the discretion of the district court, but is mandatory.” *Id.* at 85.

10. The inmate filed this exact claim in the US District Court, case number 23-cv-00503, which was dismissed. Since this claim involves the same facts, the same parties, and cannot be relitigated, it should be dismissed accordingly. *See attached Ex B.*

11. The inmate received a letter from the Claims Commission, In that letter the inmate was told. “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.”. *See attached Ex C.* The inmate has failed to respond and the Claims Commission should do as the letter instructs and “WILL DISMISS”.

12. In *Turner v. Baptist Medical Center*, 275 Ark. 424, 427, 631 S.W.2d 275, 277-278, (1982), it states . . . “that opposing affidavits that consist merely of general denials, without any statement of specific facts, are insufficient to defeat a summary judgment motion.”

13. The inmate has failed to demonstrate the existence of a genuine issue of any fact material to ADC's alleged culpability of failure to follow procedure and has failed to rebut the ADC's prima facie evidence of its entitlement to judgment as a matter of law.

14. Once the moving party makes a prima facie showing of entitlement to summary judgment, the responding party must meet proof with proof in order to demonstrate that there is remaining a genuine issue of material fact. The response and supporting material must set forth specific facts showing that there is a genuine issue for trial. See Ark. R. Civ. P. 56(e) *Hampton v. Taylor*, 318 Ark. 771, 776-777, 887 S.W.2d 535, 538-539 (1994). The inmate has failed to identify any genuine issues of material fact that would preclude a summary judgment in favor of the ADC. Therefore, this Commission should grant the Motion for Summary Judgment.

15. The ADC has attached all the documentation and has demonstrated a prima facie entitlement to Summary Judgment. To overcome this, the inmate must meet proof with proof and demonstrate the existence of a material issue of fact. *Gonzales v. City of DeWitt*, 357 Ark. 10, 14-15, 159 S.W.3d 298 301 (*emphasis added*).

16. The ADC, is entitled to judgment as a matter of law for the following reasons:

- (a) First, the inmate has failed to exhaust his administrative remedies
- (b) Second, the inmate is making Constitutional claims.
- (c) Third, the inmate claim is barred by Res Judicata.
- (d) Fourth, the inmate failed to respond to the Claims Commission.

(e) Fifth, the inmate fails to cite any legal authority for his contention that summary judgment is inappropriate.

17. The ADC should be awarded fees and costs for this action.

WHEREFORE, The ADC, prays that their Motion for Summary Judgment be granted; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Legal Services Unit  
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 24<sup>th</sup> day of October 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Joshua Stockton ( [REDACTED] )  
[REDACTED]

  
Thomas Burns



EVIDENCE #4

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC # [REDACTED]

GRIEVANCE# [REDACTED]-23-00132

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

In your grievance dated 4/7/23, you stated, "Inmates one Complaint is DELiberate INDifference By chief Deputy Director Marshall Reed . on 3-28-23 upon Grievance # [REDACTED]-23-00061 inmate is his APPEAL From The wArDens Decision APPEALed to The Directors office of APPEALS to identify the D/w by nAme in their 'InvestigAtion' Since wArden PAgE did not And The investigating chief Deputy Director Did noT reveal the D/w's name nor addressed The 'threat' uPon inmate Stockton . Inmate StockTon Accuses the chief Deputy of 'misrepresenting' on APPEal the Context in issue within the inmates grievAnce in order to Cover up a Subordinates actions uPon a PAST grievAnce thus in doing So Chief Deputy Director Marshall Reed is Liable in infringement of InmAtes First AmEndment Right for redress Afforded the Inmate by the u.s. Constitution [REDACTED]-23-00061 wAs inmates appeal for the identiy of the unnamed D/w whom did the threat And NoTifying Adc AdministrAtion of the threat . but C. Dep. Marshall Reed Didn't raise innates grieved issues on [REDACTED]-23-00061 only Agreed with whatever the Warden SAid , As is A Custom of the Chief Dep. Dir. Marshall Reed."

ALTERE  
by  
Governor  
officer

On 4/21/23 your grievance was rejected at the unit level, due to being untimely.

Your appeal was received on 4/21/23. I have reviewed your appeal and I find that you have not followed the guidelines of the grievance policy. Per AD19-34 Inmate Grievance Procedure; Section IV. Procedures; Subsection G. Steps to Appeal the Unit Level Grievance Decision; #6. A decision or rejection of an appeal at this level is the end of the grievance process. The response shall be in written format.

The grievance # [REDACTED]-23-00061 has been processed to completion, which means the decision is final, therefore, I will not address the merit of this appeal.

  
Director

5-2-23  
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.

Evidence —

In The Eastern District of Arkansas in Case : Gary V. Langley, 2017-CV-00117-LPR ( E.D. SEP. 13, 2021 ) it says, " To prevail on a claim of negligence in Arkansas plaintiff (claimant) must prove that the defendant owed a duty to the plaintiff, that the defendant breached that duty, and that 20) Breach was the proximate cause of the plaintiffs injuries "

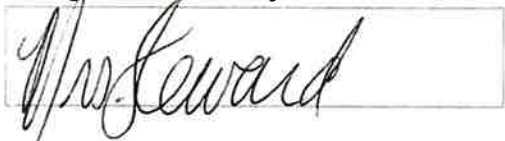
Ex. A

## ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Stockton, Joshua  
FROM: Steward, Carmel Y  
DATE: 04/19/2023

ADC #:                       
TITLE: ADC/ACC Program Specialist  
GRIEVANCE #:           23-00132          

Please be advised, I have received your Grievance dated 04/07/2023 on 04/13/2023.  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC/ACC Program Specialist

### CHECK ONE OF THE FOLLOWING

- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
  - ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
  - ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
  - ☐ This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☒ This Grievance was REJECTED because it was either non-grievable ( ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, 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. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a 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.

Inmate alleges a conspiracy to cover up upon protected activity for the Ch. Dep. Dir. by Mrs. Steward  
Inmate claiming retaliation by Mrs. Steward for my grieving her previously for her incorrectly  
There is no given context of why the denial of untimely has  
been assessed, all dates of the grievance are to the days required.

There is nothing untimely about my  
grieved issue of Deliberate Indifference  
And I appeal to the Director's

ADC#:                     

4-19-23

Date

Inmate Signature

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

RECEIVED  
APR 21 2023

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SEC. 1983

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
Central DIVISION (JURY TRIAL)

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

MAY 30 2023

By: TAMMY H. DOWNS, CLERK  
DEP CLERK

Joshua M. Stokerson

PLAINTIFF

v.

CASE NO. 4:23-cv-00503-BRW-ERE

ADC Employees (official and personal capacity),  
Wellpath, LLC Employees (official and personal capacity)

DEFENDANT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_\_ No X

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

Parties to this lawsuit:

Plaintiffs: Joshua M. Stokerson

Defendants: \_\_\_\_\_

Court (If federal court, name the district; if state court, name the county):

\_\_\_\_\_  
\_\_\_\_\_

Docket Number: \_\_\_\_\_

Name of Judge to whom case was assigned: \_\_\_\_\_

Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?):

\_\_\_\_\_  
\_\_\_\_\_

Approximate date of filing lawsuit: \_\_\_\_\_

Approximate date of disposition: \_\_\_\_\_

This case assigned to District Judge Wilson  
and to Magistrate Judge Ervin



II. Place of present Confinement:

[REDACTED]

III. There is a prisoner grievance procedure in the Arkansas Department of Correction. **Failure to complete the grievance procedure may affect your case in federal court.**

A. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No \_\_\_\_\_

B. If your answer is YES, Attach copies evidencing completion of **the final step of the grievance appeal** procedure. **FAILURE TO ATTACH THE REQUIRED COPIES MAY RESULT IN THE DISMISSAL OF YOUR COMPLAINT.**

C. If your answer is NO, explain why not:

\_\_\_\_\_  
\_\_\_\_\_

IV. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff (your name): Joshua M. Stuckton  
Address: [REDACTED]

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.)

B. Name of Defendant: Andrea Culclager  
Position: Deputy Director  
Place of Employment: APC CENTRAL OFFICE  
Address: APC Compliance Division

Name of Defendant: R. Huff <sup>FIRST NAME</sup> (Ramona)  
Position: Health Administrator  
Place of Employment: WILLIAMS LLC [REDACTED]  
Address: [REDACTED]

Name of Defendant: Carmel Steward  
Position: Grievance Officer  
Place of Employment: ADL [REDACTED]  
Address: [REDACTED] APC Compliance Division

name of Defendant: MARSHALL, Reep  
~~Bennett, S. S.~~

Position: Chief Deputy Director

Place of Employment: ADC CENTRAL OFFICE

Address: A.D.C. Compliance Division

name of Defendant: Boulden

Position: Deputy WARDEN

Place of employment: ADC [REDACTED]

Address: A.D.C. Compliance Division

Name of Defendant: Tammy Courtney

Position: SGT

Place of employment: ADC [REDACTED]

Address: ADC Compliance Division

Name of Defendant: M. COBBS

Position: MAJOR, Security

Place of employment: APC PINE Bluff

Address: APC Compliance Division

Name of Defendant: David Pyles

Position: MENTAL Health Administrator

Place of employment: ADC [REDACTED]

Address: [REDACTED]  
ADC Compliance Division

NAME OF DEFENDANT : MR. Amerine

Position : MENTAL Health

Place of Employment : ADC [REDACTED]

Address : ADC Compliance Division

NAME OF Defendant : JOE PAGE III

Position : Superintendent

Place : ADC [REDACTED]

Address : ADC Compliance Division



## V. Statement of Claim

Plaintiff is Alleging a pattern of unjustified harrasment that did start after I engaged in an activity of grievance procedures. There has been staff members engaged in retaliatory actions as Result of Plaintiff pursuing his Protected Activity (Grievances) Afforded him for Redress of rights violations under the 1st Amendment and All other Constitutional Rights and State Constitutional Rights afforded plaintiff - inmate. From October 4th (2022) And To current DATE A.D.C. Pine Bluff Employees and Supervisors at all A.D.C Levels have Retaliated upon plaintiff for the pursuing Protected Activity upon Actions or omissions That violated plaintiff's rights That they've done, which was granted upon protected activity, which they Retaliate in various ways which plaintiff will address each instance on separate pages. By the plaintiff grieving the issues and sending a Constitutional Violative custom of A.D.C. staff it establishes their notice of the allegations and gave them in the unit level procedures an attempt to remedy the violative custom and practice of each individual A.D.C. Employee, plaintiff also clearly grieved the Allegations of Conspiracy and Retaliation in all instances, and still over months Conspiracy Retaliation still continued to occur - Continued on separate sheets) -

## VI. Relief

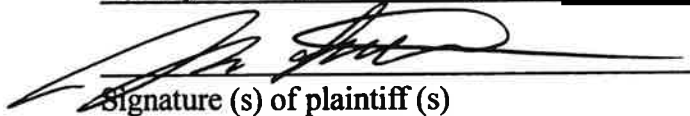
State briefly exactly what YOU want the court to do for YOU. Make no legal arguments. Cite no cases or statutes.

(For "OFFICIAL CAPACITY" on Defendants of A.D.C. - Injunctive Relief By Court order To modify A.D.C. Grievance procedures instructions Policy as well as inmates Available Inmate Handbook To reflect A Legal (under the Constitution For First Amendment) Available Instructions that people can actually follow clearly. To include upon defendants personal capacity - monetary Relief For violations (multiple) of the plaintiffs First Amendment rights For Conspiracy toward infringing on plaintiffs rights in the Amount of 1 Million Dollars For Relief.

I declare under penalty of perjury (18 U. S. C. § 1621) that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2023

Joshua M. STOCKTON

  
Signature (s) of plaintiff (s)

upon Grievance (protected activities) NOTIFICATIONS of various violations of Constitutional Rights From Feb 4, 2022 to current, There has been in Adc AT All Unit, and Appellate Levels of central office's directors a conspiracy to Find 'no merits' to plaintiffs Constitutional violation grievances presented in a effort to hinder plaintiffs redress efforts. At the appellate Levels of A.P.C., The Director of which found one of my Appeals 'with-Merit' (Grievance # [REDACTED]-22-00294) yet failed to enforce her (A. Culclager) findings to plaintiffs superiors which conspires to behave as A dead end, even when Redress attempts are Meritous.

The Conspiracy involves alterations by Unit grievance officer; as well as attempts to hinder plaintiff-inmates grievances going to all available levels due to claiming grievances are

b

'untimely' by her office attempting to thwart and make



misrepresent grievance redress and not clearly stating why her office states 'untimeliness' of each grievance, due to her own efforts to cover others violative customs of Retaliation and Constitutional violative practices in the A.D.C. so much so, that she deliberately alters content out of Retaliation for plaintiff previously grieving her in the past. Appellate Directors often answer grievances that are upon themselves from plaintiff and the A.D.C. Appellate Levels at that point due to being only one 'medical Director' and one 'ADC Director' at Appellate Level conspires to thwart appellate redress due to personal bias on 'the subject' of the grievance, and Refusals to address "the merits of appeals" (as in [REDACTED] 23-00132) occur, upon grievance (# [REDACTED] -23-00035) M. Cobbs and T. Courtney  
7 Conspired to allege plaintiff falsely made statements against



them upon plaintiff's protected activity to their Superior in Retaliation for using protected activities against them in order for plaintiff to get redress at the unit levels or to simply ask policy questions upon protected activity. In Retaliating in such a manner, The Deputy Warden - Boulder, did threaten upon protected activities disciplinary action upon inmate - plaintiff due to T. Courtney and M. Cobbs falsely making a statement to their Superior against plaintiff, which caused injury to plaintiff (due to threats of disciplinary actions can qualify as injury according to the Sixth Circuit), which violates his First Amendment Rights For Redress without Retaliatory Conduct occurring.

It is well established that protected activities are not to be interfered with nor Retaliated Against and plaintiff has

witness statements to corroborate each defendants false statements as well as evidence of locational proof for alleged allegations upon all parties of Mr. Cobbs and Courtney (in Discovery later), plaintiff clearly grieved and notified in [REDACTED] 23-00061 of current (Retaliation and Conspiracy) intimidational ATTEMPTS By ADC STAFF at all levels to "Limit the Scope" of Grievanced issues to cover for one another as is a custom of ADC Administration at all levels.

The mental health administration at unit level (Mr. Ameringer, Mr. David Pyles) conspire to not recognize plaintiffs grieved mental health attempts and attempt to 'misrepresent' plaintiffs Redress attempts Due to ADC's 'custom' of thwarting through any available means to attempt to railroad any plaintiffs

Constitutional Rights Redress attempts at A DC [REDACTED]

[REDACTED] unit, The MENTAL Health Administration offices reside within the same wing of the same Building of the warden, Superintendent, Maj. M. Cobbs, Ms. Carmel Steward and all staff are going in and out of that same area for their Break Snacks / break room in said wing, so they all have constant interactions with one another, And wellpath staff as well have access to all the same offices and personnel at all hours, all which read, respond to or try to invalidate plaintiffs grievance Redress attempts brought to all their attentions. The Casual - Connections for all my allegations are that at the time of Plaintiffs being threatened, Retaliated against or my grievances altered or rejected, Plaintiff was using Protected Matters.



• OFFICIAL OPPRESSION •

Plaintiff alleges that official oppression is occurring at A.D.C. Through All administrative Levels in Acts or Omissions of Redressed violative Customs upon Constitutional Rights of inmate Plaintiff, and unjustly exercising their Authority and Power at Appellate Levels and misrepresenting, Thwarting or Retaliating upon Protected Activities which others attempt to cover-up, which causes plaintiff-inmate injury by threat of disciplinary actions and would normally scare a inmate from pursuing potential Conduct with such High members Retaliating Against them in their positions over his Health care, Mental health or Safety and Security.

• OFFICIAL CAPACITY •  
ADC Grievance Policy Challenge

For Plaintiffs Official Capacity Claims against the defendants,

Plaintiff alleges that A.D.C.'s ( [REDACTED] ) Available to the

Inmate population is as "inmate Grievance procedures" is misleading

unfollowable as a coherent policy, full of dead-end statements

and currently unusable as a redress for violative practices

by ADC Personnel, as well as Contracted Medical Staff. The

ATTACHMENT-I Grievance Form is currently showing

through its own language on the form the "Administrative -

Scheme to make grievance procedure so hard to get through

And so incomprehensible in its language and statements

that even its own staff members can't fill out their

own information out in the correct manners, thus void

12 their own relief upon 'Failure to fill out grievance properly'

claim.

*Evidence 1*

IGTT430  
3GD

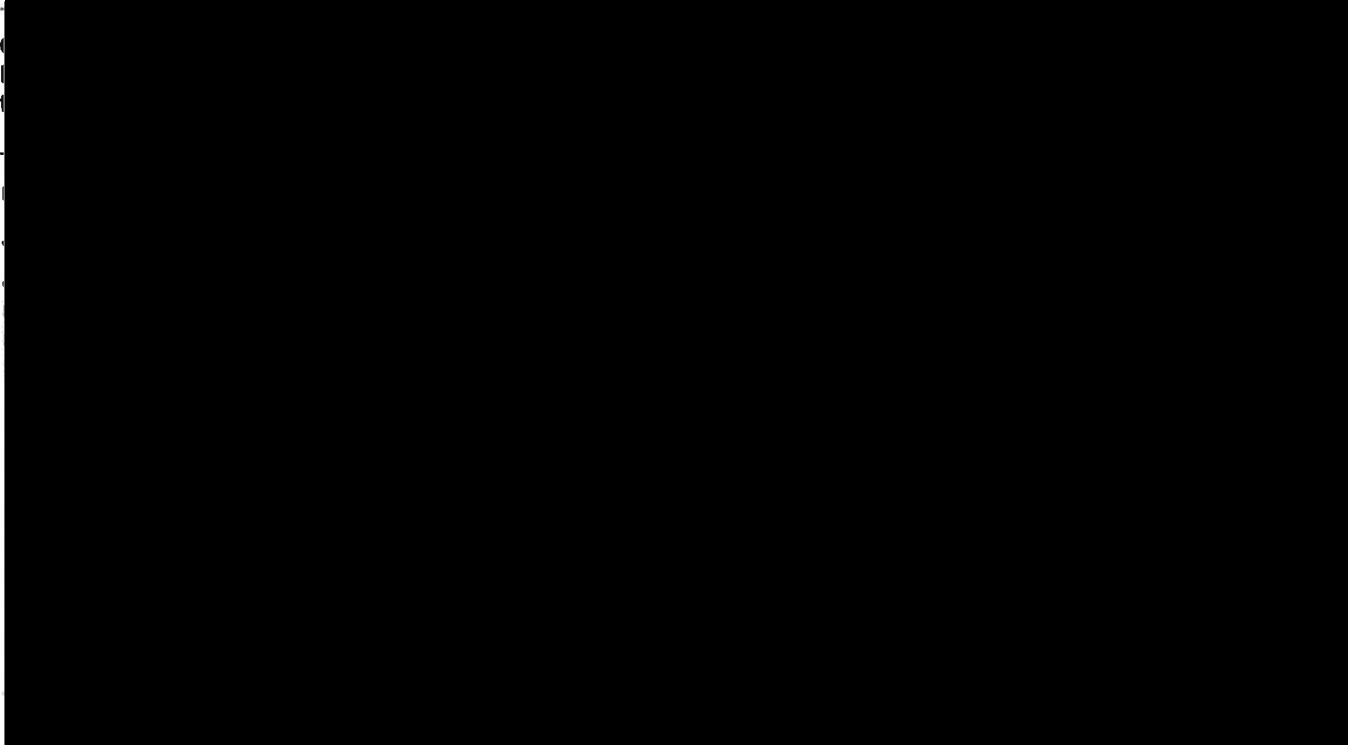
Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE# [REDACTED]-22-00294

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**



Andrea Cufclager  
Director

12/14/2022  
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.

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00132

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

In your grievance dated 4/7/23, you stated, "INmates one ComplAinT is DELiberAte INDifference By chief Deputy Director Marshall Reed . on 3-28-23 upon GrievAnce # [REDACTED] 23-00061 inmate is his APPEAL From The wArdens Decision APPEALed to The Directors office of APPEALS to identify the D/w by nAme in their 'investigAtion' Since wArden Page did not And The investigating chief Deputy Director Did noT reveal the D/w's name nor addressed The 'threat' uPon inmate Stockton . Inmate StockTon Accuses the chief Deputy of 'misrepresenting' on APPEal the Context in issue within the inmates grieVance in order to Cover up a Subordinates actions uPon a PAST grievAnce thus in doing So Chief Deputy Director Marshall Reed is Liable in infringmenT of inmates First AmEndmenT Right for redress Afforded the inmate by the u.s. Constitution [REDACTED] 23-00061 wAs inmates appeal for the identiy of the unnamed D/w whom did the threat And NoTifying Adc AdministrAtion of the threat . but C. Dep. Marshall Reed Didn't raise innates grieved issues on [REDACTED] 23-00061 only Agreed with whatever the Warden SAid , As is A Custom oF the Chief Dep. Dir. Marshall Reed."

ALTERED  
By  
Criminal  
Officer

On 4/21/23 your grievance was rejected at the unit level, due to being untimely.

Your appeal was received on 4/21/23. I have reviewed your appeal and I find that you have not followed the guidelines of the grievance policy. Per AD19-34 Inmate Grievance Procedure; Section IV. Procedures; Subsection G. Steps to Appeal the Unit Level Grievance Decision; #6. A decision or rejection of an appeal at this level is the end of the grievance process. The response shall be in written format.

The grievance [REDACTED] 23-00061 has been processed to completion, which means the decision is final, therefore, I will not address the merit of this appeal.



Director

5-2-23  
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.



Evidence #3

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE# [REDACTED]-22-00335

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

In your grievance dated 12/15/22, you stated, "On 12-15-22 at appox. 215 Am LT. DesMuke had the 10 barracks officer CPL . DANieLs Turn ON The LighTs for the rest oF The day . LAST Night, The Lights wenT off at 10:30 pm , which doesn't allow even four hours of sleep per night . This has been going on now for a week with the Lights Comming on at 2 Am (Approx) every morning and STayiNg oN until 10:30 pm at nighTs . The rules on pAge #5 Section c States , That The lights don't Come on until 6 Am on weekdays and on weekends 8 Am . This is ALSo A work BARraAcks and I Am Sleep deprived."

On 1/11/23 the Warden responded, "According to Arkansas Department of Corrections (A.D.C.), [REDACTED] Post Orders for [REDACTED] Barracks, which is your housing area, the lights are to be turned on at breakfast call and remain on until 10:30 P.M., Monday - Friday. Lights will be turned on at 8:00 A.M. Saturday and Sunday mornings. Lt. M. Dismute is instructing her shift to follow A.D.C. policy accordingly. Therefore, I find no merit to your complaint."

Your appeal was received on 1/13/23. I have reviewed your appeal, as well as the Warden's response and I concur with the Warden's decision. I find no evidence where staff is not abiding by policy and procedures, therefore, I find no merit in your appeal.

Appeal denied.



Director

1-20-23  
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.

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-23-00061

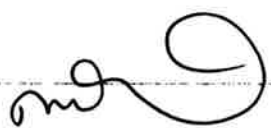
**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On February 27, 2023, you stated the following complaint: "On 2-22-23 on Grievance # [REDACTED]-23-00035, The Respondant D/W -superintendant (whom didn't type or print their Actual Name, Just A Signature) STATED "In this grievance your have included a false statement on major M. CoBBS which is grounds for a disciplinary " . which has intimidated the Inmate Joshua Stockton upon a protected Activity in the Form of A grievance procedure , which is protected under the FIRST . Amendment. "Administration remedies are unavailable" when prison administrators thwart inmates From taking advantage of a grievance process through machination, misrepresentation, or intimidation" cAirs: Ross v. Blake, 136 s. ct. 1850, 1860 (2016), townsend v murphy, 898f 3d 780, 783 - (8th Cirr 2018). Admin. DiR . 19-34 (?) IV (c) ((?)) Tells The requirements of Content, The Policy doesnt require A prisoner to provide a Legal basis for his allegations at this , or Any Stage of the actual grievance Process" ((Quotations from cAse: Thornsberry v. BarBon , 2:20-cv- 00 239 - JJV ( E.D. Ark . JAn. II, 2022) From mag. Judge , Joe J. VolPE ! Production of substAtiation Evidence haPPens in a courtsie or Mam , not in this process. The inmate has not made a False statement And can prove his prior Statement in Grievance # [REDACTED]-23-00035. The inmate is notifying ADC Administration at all available Levels Aviable through the grievance Process of the \*\*\*INMATE EXCEEDED ALLOTTED SPACE PROVIDED\*\*\*"

The Warden responded to your grievance on March 9, 2023, by stating the following: "You have exhausted your administrative remedies regarding Grievance Number [REDACTED]-23-00035, end of statement."

Your appeal was received on March 14, 2023. After review of your appeal and supporting documentation, I must concur with the Warden's decision. You have exhausted your grievance remedies in grievance [REDACTED]-23-00035. Your appeal is without merit.

Appeal denied.



Director

3-28-23  
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.

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-23-00035

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

In your grievance dated 2/3/23, you stated, "APPROX. 7: 15 Am on 2/3/2023 SGT. COURTNEY Told The BARRACKS ALONG WITH ME, That WE Could NOT Be under ouR SHEETS. THE MAJOR , Major COBB, HAS Repeatedly told Us THAT WE CAN BE Under OUR SHEET As long As NOT Under the Blanket ACCORDING To THE Rules. THE TIMING of THIS SEEMS Questionable Due to the fact THAT I HAVE TWo CIVIL RIGHTS LAW SUITS GoING oN So I FEEL RETALIATED IN A WAY DUE To THiS MoRNINGs EVENTS. PIEAsE CIARiFY The Rules regAurding the SheeTs aND The Rules."

On 2/22/23 the Warden responded, "According to Arkansas Department of Correction, Pine Bluff Complex, Post Orders issued by Major M. Cobbs, [REDACTED] Unit Chief of Security, inmates are to remain on their assigned beds except to use the restroom after the lights are turned on at breakfast time Monday through Friday and at 8:00 A.M. on Saturday and Sunday. The above mentioned post orders state that inmates are to remain on their bed, not in the bed or under the sheets. Major M. Cobbs stated, she did not repeatedly tell any inmates they can be under sheets but not their blankets. In this grievance you have included a false statement on Major M. Cobbs which is grounds for a disciplinary. Rules regarding sheets are in the Pine Bluff Complex Post Orders, Sgt. T. Courtney was following them on February 3, 2023. According to Sgt. T. Courtney, she has no knowledge of your civil rights lawsuits and no reason to focus any retaliation against you now or in the future. You have not provided any proof to support your allegations. Therefore, I find no merit to your complaint."

Your appeal was received on 2/24/23. I have reviewed your appeal, as well as the Warden's response and I concur with the Warden's decision. Be advised that per orders issued by Major M. Cobbs, inmates are not to be under blankets or sheets on their racks and you are to follow all orders. I find no merit in your appeal.

Appeal denied.



Director

2-27-23

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.



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.

IGTT430  
3GD

Attachment VI

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-23-00070

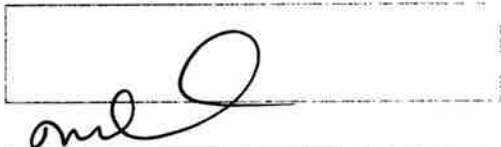
**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 3/9/2023, you stated the following complaint: on 3-9-2023 at approx. 11 : 30 Am I After Lunch wAs stoping At the Area At Security to get some grievAnces due to our [REDACTED] Barracks Booth never having Any , as today, our gAurd didn't have Any . When I stopEd to ask the Security officer inside for griveAnc es - SGT. - Courtney halted my protected efforts to grieve any issues the inmate has due to Conditions of Confinement related top.25 . SGT Courtney SAid if its not in the slots of pApers to get it from the BArracks officer . Unit Level grievAnc e forms Are not readily available , And I needed to grieve A Safety related complAiNt And She blocked my pursuits For remedy of the Safety Concern And allegedly violated my rights by the Frist Amendment in doing so."

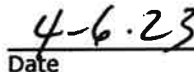
The Warden responded to your grievance on 3/12/2023, by stating the following: According to your Unit Level Grievance, [REDACTED]-23-00070, Form dated March 9, 2023, you received a form the same day of your complaint. Grievance forms are readily available at the [REDACTED] Your safety complaint is being addressed on [REDACTED]-23-00069 which was dated March 7, 2023, indicating you have access to grievance forms. Sgt. T. Courtney did not block your pursuit to remedy or violate your first amendment. Therefore, I find no merit to your complaint.

Your appeal was received on 3/20/2023. After reviewing your appeal and supporting documentation, I find staff denies your allegations. According to the staff, Grievance forms are readily available at the [REDACTED] Unit. Without further evidence, I must concur with the Warden's response. Your appeal is without merit.

Appeal denied



Director



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.

Joshua Stuckert

\* LEGAL MAIL \*



United States District Courthouse  
Clerks office  
600 West Capitol Ave.  
Suite A-149  
Little Rock, AR. 72201-3325



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

JOSHUA M. STOCKTON  
ADC # [REDACTED]

PLAINTIFF

V.

NO. 4:23-cv-00503-BRW

AUNDREA CULCLAGER, *et al.*

DEFENDANTS

**ORDER**

The Court has received a Recommendation filed by Magistrate Judge Edie R. Ervin. Mr. Stockton has not filed objections. After careful review of the Recommendation, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court's findings in its entirety.

Mr. Stockton's claims are DISMISSED, without prejudice, based on his failure to state a plausible constitutional claim for relief. The Court recommends that, in the future, this dismissal be considered a "strike" for purposes of 28 U.S.C. § 1915(g) and certifies that an *in forma pauperis* appeal of this dismissal would be frivolous and not taken in good faith.

The Clerk is directed to close this case.

IT IS SO ORDERED, this 8th day of August 2023.

BILLY ROY WILSON  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

# 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

October 3, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]

RE: ***Joshua Stockton v. Arkansas Division of Correction***  
Claim No. 240211

Dear Mr. Stockton,

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,

Mika Tucker

ES: msscott

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

Ex. C

## Mika Tucker

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Wednesday, November 8, 2023 2:37 PM  
**To:** Thomas Burns (DOC)  
**Cc:** ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Joshua Stockton v. ADC, Claim Nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285, and 240378  
**Attachments:** Joshua Stockton v. ADC2.pdf; Stockton-order163.pdf; Stockton-order164.pdf; Stockton-order211.pdf; Stockton-order233.pdf; Stockton-order234.pdf; Stockton-order266.pdf; Stockton-order285.pdf; Stockton-order378.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

November 8, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

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

(via email)

Re: ***Joshua Stockton v. Arkansas Division of Correction***  
Claim Nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285, and 240378

---

Dear Mr. Stockton and Mr. Burns:

Enclosed please find the Orders entered today 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**

**JOSHUA STOCKTON (ADC [REDACTED])**

**CLAIMANT**

**V.**

**CLAIM NO. 240211**

**ARKANSAS DIVISION OF  
CORRECTION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Joshua Stockton (the “Claimant”) against Arkansas Division of Correction (the “Respondent”).

Respondent filed an answer denying liability.

The Commission sent correspondence to Claimant on October 3, 2023, advising that Respondent recommended that the claim be denied. In that correspondence, Claimant was given fifteen (15) calendar days to request a hearing and advised that if Claimant did not do so within the specified time frame, Claimant’s claim would be dismissed for failure to respond. To date, Claimant has not responded to the Commission’s October 3, 2023, correspondence.

As such, the Commission hereby unanimously DENIES and DISMISSES this claim for Claimant’s failure to prosecute the claim.

**The Commission notes that, as of the date of this Order, eight (8) claims filed by Claimant within a two-year period have been dismissed: (1) Claim No. 240163, was filed on August 3, 2023, and dismissed on November 8, 2023; (2) Claim No. 240164 was filed on August 3, 2021, and dismissed on November 8, 2023; (3) the instant claim, Claim No. 240211, was filed on August 9, 2023, and dismissed on November 8, 2023; (4) Claim No. 240233 was file on August 12, 2023, and dismissed on November 8, 2023; (5) Claim No. 240234 was filed**

on August 12, 2023, and dismissed on November 8, 2023; (6) Claim No. 240266 was filed on August 17, 2023, and dismissed on November 8, 2023; (7) Claim No. 240285 was filed on August 23, 2023, and dismissed on November 8, 2023; and (8) Claim No. 240378 was filed on September 9, 2023, and dismissed on November 8, 2023.

Ark. Code Ann. § 19-10-221 provides,

An inmate in the Division of Correction or the Division of Community Correction who has filed more than three (3) unsuccessful claims or actions under this subchapter within a period of two (2) years may have his or her subsequent claims or motions dismissed by the Arkansas State Claims Commission upon receipt as abuse of process, for one (1) year from the date of dismissal of the inmate's third unsuccessful claim.


Accordingly, the Commission bars Claimant from filing any claims for one year from the date of this Order. Any claims submitted by Claimant within a year from the date of this Order will be dismissed upon receipt pursuant to Ark. Code Ann. § 19-10-221. The Commission notes that this statute does not authorize the Commission to dismiss any pending claims that Claimant may have filed before the date of this Order.



IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: November 8, 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).

# Arkansas State Claims Commission

Joshua Stockton ADC# [REDACTED]

CLAIMANT

V.

Claim no. 240163, 240164, 240211, 240233, 240234

Arkansas Department of Corrections 240266, 240285, 240378

Division of Corrections

Respondent  
Arkansas  
State Claims Commission

NOV 17 2023

## NOTICE OF APPEAL

RECEIVED

pursuant to Ark. Code ann. § 19-10-211 (supp. 1997), claimant Joshua —

Stockton Appeals to the General assembly For his appeal of this cited claim

against Defendants in their official capacities as STATE Employees.

The Arkansas state Claims Commission's denied all at one time, after claimant did

responses to Respondents motions for summary judgments and/or Motion for dismissals

of which claimant Responded to. The Claims Commission sent Correspondence's To claimant

That he had 15 days to respond to request a hearing After Notices were served

to Respondents Counsel, of which claimant did in Letter formats (incorporating

multiple claim numbers) in a response for claimant's wanting a trial. The

Claimant did Respond to Each Claim Notice and did put Attu: Mikea Tucker in

his requests for trial Responses, all sent in prior to the 15 day response period of expiration. Inside one or more of these claim numbers have the response letters in their Records. All someone has to do is look for them! perhaps The General assembly will do so in their investigation of appellate to their Authority

This appeal of claims nos. 240163, 240164, 240211, 240233, 240234, 240266, 240285 -

and 240328 are disputed. As claimant met criteria 1) and 2) on Exhibit 1

claimant appeals to the General assembly according to Ark. Code Ann. § 19-10-211 -

(2) (1).

under oath sworn, and Respectfully Submitted -

 Adc # 

Joshua Stockton

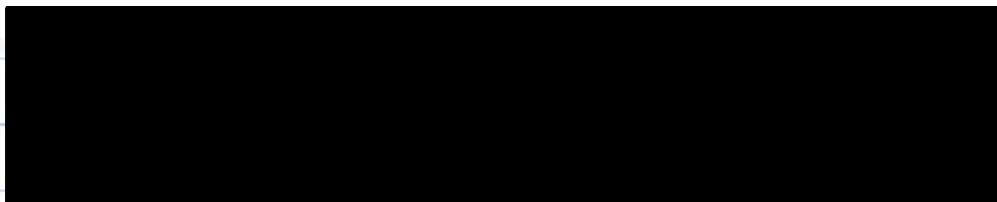


Exhibit 1

## 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

September 6, 2023

Mr. Joshua Stockton (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Joshua Stockton v. Arkansas Division of Correction*  
Claim No. 240164

Dear Mr. Stockton,

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,

Mika Tucker

ES: msscott

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