

Please print in ink or type

SEP 09 2023

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED **G.11**

☒ 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] (Street or R.F.D. & No.) [REDACTED] (City)
(Name)
County of [REDACTED] represented by [REDACTED] (Legal Counsel, if any, for Claim)
(State) (Zip Code) (Daytime Phone No.)
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 Correction Amount sought: \$40,000.00 (Forty thousand)

Month, day, year and place of incident or service: 07-20-2023, [REDACTED] (Place of incident)

Explanation: On 7-20-2023 At approximately 5:30 pm at [REDACTED] issuance site, I was having my turn to be searched in my property by Sgt. Shelton and she was in a hurry due to being late to pick up her child at daycare or child care she said (and at no time was it noted in the grievance responses on [REDACTED] 23-00095 [REDACTED] 23-00097 (in Evidence #1, #2). Sgt. Shelton did refuse to honor [REDACTED]

Not on the right colored paper for [REDACTED] of which inmate claimant just came from Randall L. Williams, and 3 weeks prior [REDACTED] (all under Superintendent Joe Rages' wardenship) and no 'colored paper' custom and practice had been enforced prior to coming to [REDACTED] unit. (Exhibit 4 and 5) Exhibit 4 shows (at →) opm's of 5-cards / Cream - 1. In Exhibit 5 - Sgt Shelton at → only shows a 2/3 and that equals the 5 cards opm but she doesn't account anywhere for the Exhibit 4. Cream (opm) and the inventory is dated 7-21-23. Sgt Shelton is not giving the [REDACTED]

owed a duty to be cared for as followed in the following pages.

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; when? 08/23/2023; to whom? Marshall Reed Central Work ADC
(Yes or No) (Month) (Day) (Year) (Department)
and that the following action was taken thereon: No merits found

and that \$ [REDACTED] 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. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows:

: and was acquired on [REDACTED], 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 M. Stockton [REDACTED]
(Print Claimant/Representative Name)

[REDACTED]
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at [REDACTED] (City) [REDACTED] (State)

(SEAL) on this 6 day of September, (Date) (Month) (Year)

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

George Duncan Jr

(Notary Public)
06/19/2025
(Month) (Day) (Year)

I.) Duty: Under State Code of Arkansas §12-27-103 Establishment - Powers and duties (B)(1), The Department of Corrections (Arkansas Division of Corrections) shall have exclusive jurisdiction over the care, charge, custody, control, management, administration, and supervision of all persons and offenders committed to, or in the custody of, the State penitentiary; (b) The Department of Corrections shall employ such officers, employees, and agents and shall secure such offices and quarters as are deemed necessary to discharge the functions of the department of corrections. (7) The Department of Corrections shall receive all offenders committed to the department of corrections for conviction of felonies or other offenses the punishment of which is commitment to the penitentiary under the laws of this state, and shall be responsible for the care, custody, and correction of such persons pursuant to the policies established by the Board of Corrections. Authority - The Board of Correction and Community punishment 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 (D.O.C) 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: Timely, Effective and impartial processing of grievances; An Appeals process; appropriate documentation of grievance activity; and Speedy disposition 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.

- CURRENT With Amendments reviewed through November 15, 2022. ARK. Code - 004.03.1-535.

Negligence STANDARD Authority:

In the Eastern District of Arkansas, CASE: Gary V. Langley, 2:17-CV-00117-LPR (E.D. ARK. SEP. 13, 2021) it says; "To prevail on a claim of negligence", in Arkansas, "The plaintiff must prove that the defendant owed a duty to the plaintiff, that the defendant breached that duty, and that the breach was the proximate cause of the plaintiff's injuries". (1. Duty, 2. Breach of Duty, 3. Causation).

V.) STANDARDS: American Correctional Association - Standard for Adult Community - Residential Services, 3rd edition, standard 3-ACRS-3D-07, and Standards - For Adult Correctional Institutions, 3d edition, standard 3-427.

Duty:

SGT Shelton as a 'state actor' according to state code § 12-27-103(B) (1) owed claimant the duty of 'care' which includes claimant's medical care necessities as a ward of the state. And 45 (7) states "shall be responsible for the care, custody and correction of such persons"

Breach of Duty:

SGT Shelton breached her duty owed to claimant by withholding his

[REDACTED] day of 07-20-2023 due to customs and policies of CSTE unit that are not enforced at R.L.W. or Pine Bluff under the same Superintendent Joe Page III. SGT Shelton breached her duty to claimant by putting her own personal life's priorities over her state owed duties of [REDACTED] and finishing her job to inspect and give claimant his [REDACTED] inmate as her job assignment required as a state actor.

Causation:

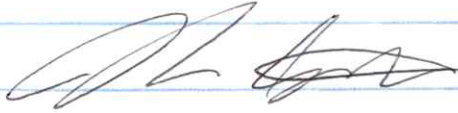
Had SGT Shelton not chose to put her own personal-life's priorities first, she would have not been negligent in her duties toward claimant and would have given him his property and [REDACTED] the night of 7-20-2023 and she would have not been negligent in her duties toward inmates [REDACTED]

Respectfully Submitted,

Joshua Stockton



"I hereby verify that the foregoing is true and correct and
do so under penalty of perjury."



9-4-2023



DEPUTY/ASSISTANT DIRECTOR'S DECISION

Exhibit 1

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00092

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

[REDACTED]

Your appeal was received on August 7, 2023. After review of your appeal and supporting documentation, I find this matter was corrected and resolved at the unit level. Your appeal is without merit.

Appeal denied.

DIRECTOR

 8-23-23

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.

DEPUTY/ASSISTANT DIRECTOR'S DECISION

Exhibit 2

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00095

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

[REDACTED]

Your appeal was received on August 7, 2023. After review of your appeal and supporting documentation, I find you have not provided any evidence to support your allegations. [REDACTED] Your appeal is without merit.

Appeal denied.

DIRECTOR

 8-23-23

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.

From: [ASCC New Claims](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Kathryn Irby](#); [Mika Tucker](#)
Subject: CLAIM: Joshua Stockton v. ADC, Claim No. 240378
Date: Friday, September 15, 2023 1:12:00 PM
Attachments: [Joshua Stockton ADC agency ltr 240378.pdf](#)
[Joshua Stockton Claim 240378.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

September 15, 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. 240378

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.)

<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>
--

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Joshua Stockton v ADC 240378
Date: Tuesday, September 19, 2023 1:32:32 PM
Attachments: [0846_001.pdf](#)
[image001.png](#)

Answer

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOSHUA STOCKTON ([REDACTED])

CLAIMANT

v.

NO. 240378

**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,

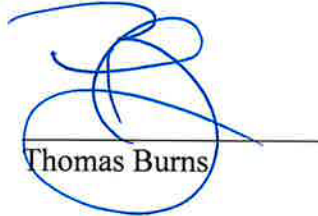


Thomas Burns (02006)
Legal Services Unit
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602-9411
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19th day of September 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

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Joshua Stockton v. ADC, Claim No. 240378
Date: Thursday, October 5, 2023 4:21:02 PM
Attachments: [Joshua Stockton v. ADC378.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 5, 2023

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

RE: ***Joshua Stockton v. Arkansas Division of Correction***
Claim No. 240378

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)

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Joshua Stockton v ADC 240378
Date: Monday, October 30, 2023 1:21:20 PM
Attachments: [1547_001.pdf](#)
[image001.png](#)

MSJ

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOSHUA STOCKTON (ADC [REDACTED])

CLAIMANT

v

NO. 240378

**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 an 8th Amendment claim, claims of a medical nature, has filed an received a final judgment in Federal Court (Claim Preclusion), and has failed to respond to the Claims Commission.
5. The Inmate filed a grievance, which this claim is based, and states his 8th Amendment rights were violated. 3. *See attached Ex A.*
6. The Arkansas State Claims Commission does not have jurisdiction when an inmate makes Constitutional claims. "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. The inmate claims that ADC’s duty includes medical care. *See attached Ex B, page 4 of complaint.* Medical care, prescriptions, ect. Are handled by the States contract provider Wellpath. Wellpath is not subject to the jurisdiction of the Commission and any claims of medical nature are properly with Wellpath.

8. The inmate brought the exact same claim before the United States District Court in which he received a final judgment. This matter is barred by Res Judicata. *See attached Ex C*

9. The inmates claims are barred by *res judicata* (also called claim preclusion) because he filed a claim based on the same set of facts with the Arkansas Claims Commission (the “Commission”). The principles of *res judicata* bar a claim if four elements are established: (1) the first suit resulted in a final judgment on the merits; (2) if the first suit was based upon proper jurisdiction; (3) if both suits involved the same parties or those in privity with them; and (4) if both suits are based upon the same claims or causes of action. *In re Anderberg-Lund Printing Co.*, 109 F.3d 1343, 1346 (8th Cir. 1997).

10. The inmate Federal suit has a final judgment on the merits, the Federal suit was in the proper jurisdiction, both suits involved exactly the same parties, and both suits are based on the same facts an circumstances.

11. The inmate received a letter from the Commission on October 5, 2023. In that letter it states: “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.” The inmate failed to respond. The matter should be dismissed as the Commission said that it would.

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*).

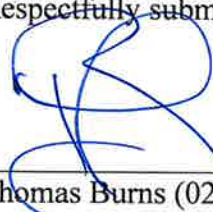
16. The ADC, is entitled to judgment as a matter of law for the following reasons:

- (a) First, the inmate makes 8th Amendment violations
- (b) Second, the inmate makes medical claims.
- (c) Third, the Claims is barred by Claims Preclusion.
- (d) Fourth, the inmate failed to respond to the 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,

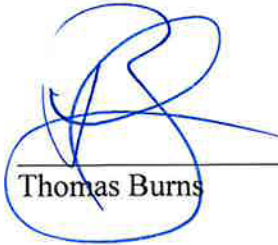


Thomas Burns (02006)
Legal Services Unit
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 30th 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

DEPUTY/ASSISTANT DIRECTOR'S DECISION

Exhibit 2

INMATE NAME: Stockton, Joshua

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]

23-00095


CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION:

[REDACTED]

Your appeal was received on August 7, 2023. After review of your appeal and supporting documentation, I find you have not provided any evidence to support your allegations. [REDACTED] Your appeal is without merit.

Appeal denied.

DIRECTOR

 8-23-23

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.

G.A

Duty:

SGT Shelton as a 'State actor' according to State Code § 12-27-103 (B) (1) owed claimant the duty of 'care' which includes claimant's medical care necessities as a ward of the state. And it (7) states "shall be responsible for the care, custody and correction of such persons."

Breach of Duty:

SGT Shelton breached her duty owed to claimant by withholding his prescribed on person medicine and Doctor prescribed mattress on the day of 02-20-2023 due to customs and policies of Ester unit that are not enforced at [REDACTED] under the same Superintendent Joe Page III. SGT Shelton breached her duty to claimant by putting her own personal life's priorities over her state owed duties of not withholding inmates on person medicines and finishing her job to inspect and give claimant his own pain medicines to inmate as her job assignment required as a State Actor.

Causation:

Had SGT Shelton not chose to put her own personal-life's priorities first, she would have not been negligent in her duties toward claimant and would have given him his property and [REDACTED] the night of 7-20-2023 and she would have not been negligent in her duties toward inmates [REDACTED]

Amended Complaint

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**FILED**
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

2023 SEP 21 A 9:40

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

SEP 21 2023

TAMMY H DOWNS

Central DIVISION

TAMMY H DOWNS, CLERK

CASE NO. 4:23-cv-00806-KGB-JJVBy: [Signature]
DEP. CLERKJury Trial: ☒ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full 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: Joshua Shuckton
ADC # [REDACTED]Address: [REDACTED]Name of plaintiff: _____
ADC # _____

Address: _____

Name of plaintiff: _____
ADC # _____

Address: _____

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: SHELTONPosition: SGTPlace of employment: [REDACTED]Address: A.D.C. Compliance DivisionName of defendant: Joe PAGE IIIPosition: Superintendent

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

☐ Docket Number: _____

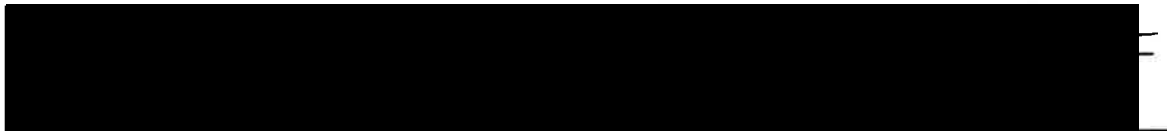
☐ Name of judge to whom case was assigned: _____

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

☐ Approximate date of filing lawsuit: _____

☐ Approximate date of disposition: _____

IV.



V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

_____ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No _____

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

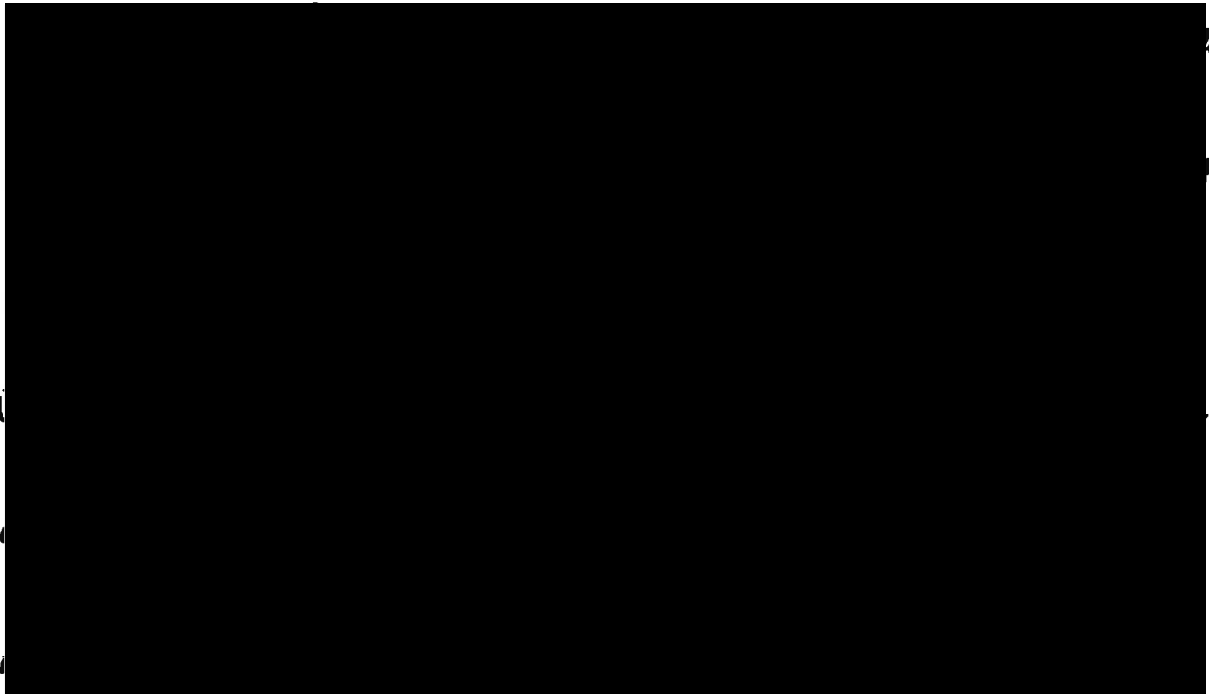
If not, why? _____

VII. Statement of claim

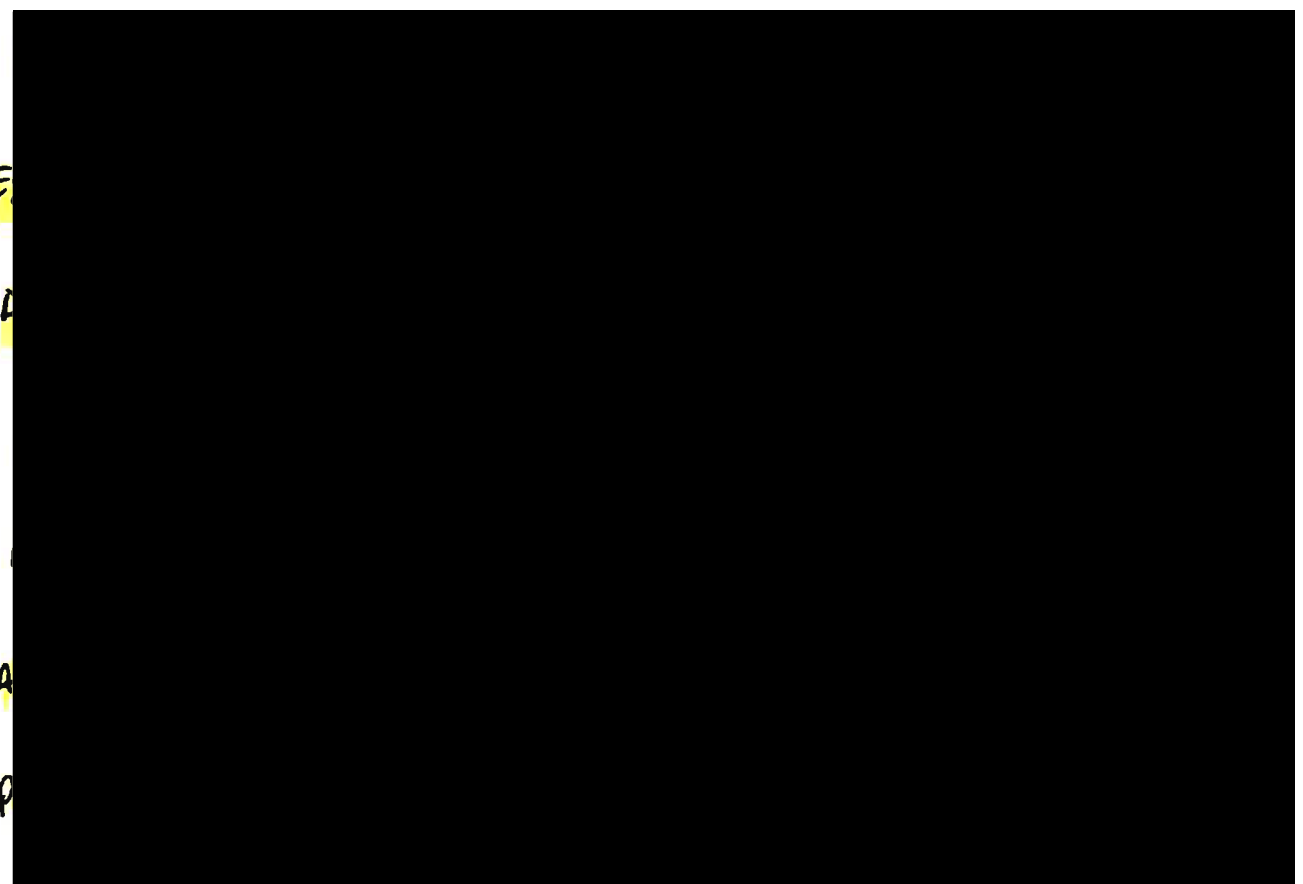
State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I.) On July 20th, 2023 I was shipped to [REDACTED]
And was taken to SGT. Shelton's area for my property
search to be done, it was after approximately 5:30 PM AT
That night, when I went into her office to get searched she
[REDACTED] do you need for tonight!!
[REDACTED] he told me, "oh hell no,
I don't have time for this xxxx, I have to pick up my kid at
child-care at 6, and I'm already late!" Then she put
[REDACTED]
[REDACTED]
[REDACTED]

II.)



III.)



██████████ did cause Plaintiff unnecessary and ~~unpleasant~~
unwarranted infliction of ██████████ due to the deliberate indifference
of SGT. Shelton due to her being late to pick up
her child at daycare, of which I sympathize her being
late for that, but she had a duty as an official
of the state to see to my medical needs, of which
she failed to do, and the plaintiff relies on the
state's officers to uphold his medical rights under the
Eighth Amendment's protections, and Fourteenth Amendment Right.

IV) On 7/20/2023 plaintiff upon arrival in his barracks at
Barracks 3 did his grievance of his Refusal by SGT.
Shelton to give inmate his ██████████ or other property and
extra mattress of which inmate had the problem solving
staff SGT. Randle inspect inmates bed area as a witness to

No personal property or on [REDACTED] for inmates paid
was given (Just as given).

V)

[REDACTED]

VII) Plaintiff, through his government process did inform his unit level officers at A.D.C. of the issues and the Constitutional Liability of Sgt. Shelton's Actions and Omissions on 07-26-23 through the time the issues were given to investigate.

VII)



III Additional defendants Joe page III, L. Randle, D. Jones were made personally aware through the inmates unit level grievance notifications of inmates Constitutional Rights being violated and once notified, none of them correctively addressed the violative conduct and by omitting to correct the conduct became a party to the customs and practices of violations of the inmates Rights under the Eighth and fourteenth Amendments of the Constitution.

IV Plaintiff grieved customs and practices along with policy at Ester unit conflicting with his Eighth Amendment Rights and state officials interferences with medical prescriptions by refusal to inmate on 7-20-2023. Thus to prove a custom and practice of ADC Employees the Plaintiff is alleging official and personal capacities on all defendants.

V Plaintiff also asserts that there are "mutually enforcing effect" due to these customs and practices along with policies of [REDACTED] unit that has violated plaintiff's basic human need to his medical care under the Eighth Amendment afforded inmates. Customs and [REDACTED] my
e to
the plaintiff.

I mutually Enforcing Customs, practices or Policies such as
Repealance To Grievance [REDACTED] 23-00095 which states -
"all medications will be inventoried and delivered to the medical
staff", on [REDACTED] 23-00092 it states "must get prescribed update by-
infirmary with a pink slip" after Sgt Shelton 7-20-2023 refused
[REDACTED]

XII Verification - I have read the foregoing Complaint and hereby verify that
the matters alleged within are true, except to matters alleged on
information and belief, as to those, I believe them to be true and correct.
I certify under penalty of perjury that the foregoing is true and correct.
Executed at: [REDACTED]
Date: 09-19-23 [REDACTED]

XIII prayer for relief - Plaintiff respectfully prays this Court enter judgement granting:
Compensatory damages Against Each Defendant in the Amount of \$75,000.00, And
Punitive damages Against each Defendant in the Amount of \$50,000.00, For
infliction of Severe pain deliberately by the defendant, As well as the Custom
And policy practices of [REDACTED] Employees of the State violating the
Inmates Constitutional Rights under Basic human need, and the Callousness
of the Enforcement of Customary rules over Medical needs.

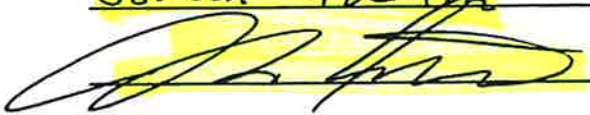
VIII. Relief

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

SEE Prayer for Relief XVI.

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

Executed on this 19 day of September, 2023.

Joshua Stokton


Signature(s) of plaintiff(s)

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

JOSHUA STOCKTON
ADC [REDACTED]

PLAINTIFF

v.

4:23-cv-00806-KGB-JJV

SHELTON, Sergeant [REDACTED] ADC

DEFENDANT

RECOMMENDED DISPOSITION

The following Recommended Disposition ("Recommendation") has been sent to United States District Judge Kristine G. Baker. Any party may serve and file written objections to this Recommendation. Objections should be specific and include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. Your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of this Recommendation. Failure to file timely objections may result in a waiver of the right to appeal questions of fact.

I. SCREENING

Joshua Stockton ("Plaintiff") is a prisoner in the Ester Unit of the Arkansas Division of Correction). He has filed a *pro se* Complaint seeking relief pursuant to 42 U.S.C. § 1983. (Doc. 1.)

The Prison Litigation Reform Act requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that: (a) are legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(A)(b).

An action fails to state a claim upon which relief can be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The factual allegations must be weighted in favor of Plaintiff. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). “In other words, the § 1915(d) frivolousness determination, frequently made *sua sponte* before the defendant has even been asked to file an answer, cannot serve as a factfinding process for the resolution of disputed facts.” *Id.* But regardless of whether a plaintiff is represented or appearing *pro se*, the “complaint must contain specific facts supporting its conclusions.” *Martin v. Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

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. *Twombly*, 550 U.S. at 556. 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 and plausibility” of entitlement to relief. *Id.* at 557.

Title 42 of the United States Code, section 1983 allows individuals to bring suit against persons who, under color of state law, have caused them to be “depriv[ed] of any rights, privileges, or immunities secured by the Constitution and laws” of the United States. 42 U.S.C. § 1983 (1996). Section 1983 itself “creates no substantive rights; it merely provides remedies for deprivation of rights established elsewhere.” *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 816 (1985) (citations omitted). In order to state a claim pursuant to 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

II. PLAINTIFF'S ALLEGATIONS

Plaintiff says that during his July 20, 2023 intake at the [REDACTED] Defendant Sergeant Shelton violated his Eighth and Fourteenth Amendment rights when [REDACTED] [REDACTED] (Doc. 1.) After careful consideration, I conclude these allegations fail to state a plausible constitutional violation for the following reasons.

To plead a plausible Eighth Amendment claim, there must be facts suggesting: (1) Plaintiff had an objectively serious need; (2) Defendant Shelton subjectively knew of, but deliberately disregarded, that serious medical need; and (3) he was harmed as a result thereof. *See Mason v. Corr. Med. Servs., Inc.*, 559 F.3d 880, 885 (8th Cir. 2009); *Gibson v. Weber*, 433 F.3d 642, 646 (8th Cir. 2006). Plaintiff's allegations fall short on the third element. Specifically, Plaintiff says Defendant Shelton [REDACTED] [REDACTED] However [REDACTED] is not sufficiently serious to rise to the level of a constitutional violation. *Zentmyer v. Kendall Cnty. Ill.*, 220 F.3d 805, 811 (7th Cir. 2000); *Erin v. Busby*, 992 F.2d 147, 150-51 (8th Cir. 1993). Similarly, Plaintiff was v [REDACTED] (Doc. 1 at 12.) While that might have [REDACTED] nothing in the Complaint suggests he suffered sufficient harm during that brief delay to constitute a violation of constitutional magnitude. *See Presson v. Reed*, 65 F.4th 357, 367 (8th Cir. 2023) (“When the inmate alleges that a delay in medical treatment rises to the level of an Eighth Amendment violation, the *objective seriousness* of the deprivation should also be measured by reference to the *effect* of delay in treatment”) (emphasis in the original); *Gibson*, 433 F.3d at 646 (a prisoner must show the “unconstitutional actions in fact caused his injuries”).

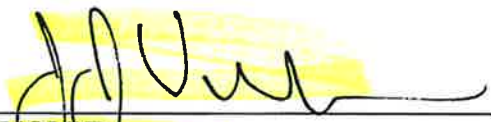
Plaintiff also says Defendant Shelton violated his Fourteenth Amendment rights by delaying access to his personal property. A prisoner cannot bring a § 1983 due process claim for the intentional or negligent loss of his personal property, as long as the State provides a post-deprivation remedy to address the loss. *See Hudson v. Palmer*, 468 U.S. 517, 533-6 (1984); *Parratt v. Taylor*, 451 U.S. 527 (1981). Plaintiff can file a claim for reimbursement with the Arkansas Claims Commission for any harm he suffered due to the alleged denial of access to his property. *See Williams v. Campbell*, Case No. 00-3699, 2001 WL 1549545 (8th Cir. Dec. 6, 2001) (unpublished opinion); *McClinton v. Ark. Dept. Corr.*, Case No. 05B2498, 2006 WL 304470 (8th Cir. Feb. 9, 2006). Because Plaintiff has that adequate post-deprivation remedy available to him under Arkansas law, he has not pled a viable Fourteenth Amendment claim.

III. CONCLUSION

IT IS, THEREFORE, RECOMMENDED that:

1. The Complaint (Doc. 1) be DISMISSED without prejudice for failing to state a claim upon which relief may be granted.
2. The Court recommend that, in the future, dismissal count as a strike under 28 U.S.C. § 1915(g).
3. The Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from an Order adopting this Recommendation and the accompanying Judgment would not be taken in good faith.

DATED this 18th day of September 2023.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE

Before The ARKANSAS STATE CLAIMS Commission

Arkansas
State Claims Commission

Joshua Stockton (ADC [REDACTED])

Claimant NOV 06 2023

V

No. 240378

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Arkansas Department of Corrections
Division of Corrections

Respondent

Opposition To Respondents Motion For Summary Judgment

Come now Claimants, Prose Response, Joshua Stockton ADC Inmate housed AT Esler Complex, Pine Bluff, Ar. 71603 in opposition To Respondents Motion for summary Judgment Pursuant to Ark. R. Civ. P. 56 of disputed Facts.

Respondents Statement on:

1. Disputed. Respondent over assumes the facts presented 'are undisputed,' And is not a Factual agreed upon statement of the facts, The Facts in this case are not settled.
2. Disputed. A.D.C. is not Entitled To summary Judgment in this case.
3. Disputed. Respondent for Defendants only has Produced Evidentiary Exhibits that are not

Jurisdictionally relevant in this Jurisdiction for Claimants claim of Negligent Conduct Brought Forth to the Claims Commission in Claim. 240378.

4. disputed. upon Claimants claim Page 3 (Negligence standard Authority), Claimant cited - The Eastern District of Arkansas case: Gary v. Langley, 2:17-cv-00117-LPR (E.D. Ark, Sep. 13, 2021) of Bringing claims of negligence in Arkansas, And the standard of proofs needed in Arkansas.

Claimant asserted his Negligence claim, Entered Evidence of Exemption

- ... grievance, which creates a 'Material Fact dispute between parties' and thus summary judgement is inappropriate. Claimant also upon his claim cited the current A.D.C Administrative Directives That correspond to Ark. Code 004.03.1-835. AT No Time did claimant claim Constitutional violations. Respondant Also Fails to produce evidence of claimant's failure to respond to the claims Commission. Claimant did Respond to the state claims Commission within the allotted time frame.
5. disputed. Respondant cannot assert Rejudicata due to constitutional assertions in the Jurisdiction outside of the Claims Commission in Courts of general Jurisdictions as a matter of fact in summary judgement as the Claimant never priorly asserted a claim of negligence in the District Courts Jurisdiction or Commission of the state for this claim.
6. Undisputed. As claimant did comply with Sovereign Immunity Jurisdictions by only Bringing the claim of 'negligence' to the Jurisdiction of the Claims Commission for the State Employees.

7. Disputed. As The Supreme Court in Case: West v. Atkins, 487 U.S. 42, -
56, 108 S.Ct. 2250, 101 L.Ed 2d 40 (1988) ("Contracting out Prison Medical care -
does not relieve the state of its Constitutional duty to provide adequate Medical
treatment to those in its Custody, and it does not deprive the States Prisoners
of the means to vindicate their Eighth Amendment Rights. The State bore an
Affirmative obligation to provide adequate Medical Care to West; the State delegated
that Function to respondent Atkins; And respondent Voluntarily assumed that
obligation by Contract ('State Actor'). Medical Contractor Employees for the Arkansas
Division of Corrections is Wellpath, LLC. The State promulgated its authority to the
'Board of Corrections', whom vested ~~wellpath~~ Arkansas Division of Correction with the
Care of inmates, whom A.D.C. Contracted Wellpath, LLC with the States Responsibility
of medical Care of the inmate. see STATE Code of Arkansas § 12-27-103 (b)(1), (b), (7).

8. Disputed. Res Judicata —

9. Disputed.

In Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015), the trial court's finding were reversed due to Jurisdictional barment, "Because the Arkansas Claims Commission does not have Jurisdiction to address a Constitutional claim against ADC officer(s) sued in his individual capacity. Because the Arkansas Claims Commission has 'Jurisdiction only over those claims which are barred by the doctrine of sovereign immunity from being litigated in a court of general Jurisdiction', the 'Claims Commission was the only forum in which [The inmate plaintiff] could bring his claims against the state'." Id. at 870. Sovereign immunity did not bar the inmate plaintiff's claim against the officer in his individual capacity, so the Claims Commission Lacked Jurisdiction over that Claim". Then goes on to say, "Because the inmate plaintiff in Smith asserted only a negligence claim before the Claims Commission, he was not precluded from bringing a deliberate-indifference claim in a Section 1983 Lawsuit" (quoted out of ADC v. Hobbs, case no. 5:14-CV-344 JLT/PD (E.D. Ark. Sep. 17, 2015)).

Negligence "excludes conduct which creates liability because of the actor's intention to invade a legally protected interest," § 282 cmt. d, or because of the actor's criminal recklessness (i.e., deliberate indifference): "The word 'negligence' excludes conduct which the actor does... realize as involving a risk to others which is not merely in excess of its utility, but which is out of all proportion thereto." Id. cmt. e; see also id. ("As the disproportion between risk and utility increases, there enters into the actor's conduct a degree of culpability which approaches and finally becomes indistinguishable from that which is shown by conduct intended to invade similar interests.")

10. disputed. Claimant's Federal claims are yet to be fully adjudicated, and have yet to be decided upon by the District Court Judge in the case for the Magistrate's Recommendation of "The Complaint be Dismissed without prejudice for failing to state a claim upon which relief may be granted." No summary judgments in the cases details have been decided upon based 'on the merits of material evidentiary facts for the trier of facts. Also issue preclusion of official capacity liability of the defendants are barred due to sovereign immunity protections and jurisdictional assertion in that federal matter was not adjudicated, Res Judicata, or issue preclusion according to Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015) states 'the exact issue' had to be fully adjudicated for issue preclusion to be a barment in jurisdiction in a claim of state claims commission's jurisdiction as a matter of established law, Respondant's jurisdictional allegations fail summary judgments scrutiny.

11. disputed. Respondant offered no 'fact for fact' proof that evidenced claimant failed to respond to the commission to make a genuine issue for dismissal on summary judgment as the 'non movant' party. see National bank of Commerce v. Dow Chemical Co., 165 F.3d 602, 607 (8th Cir. 1999).

12. Disputed. Claimant 'movant' has cited evidence to support his allegations and cited established precedents to support claimant's jurisdictional relevant claim in the state claims commission, far above 'Turner v. Baptist Medical Center, 275 Ark. 424, 427, - 631 S.W. 2d 275 277-278, (1982) quoted citation by Respondant.

13. Disputed. As evidence in Res Judicata Jurisdictional defense provided priority to the trier of facts upon summary judgement. Defendants have not provided sufficient Evidence for An Entitlement to judgement As A matter of Law in this Jurisdiction.

14. Disputed. The claimant, is the only party that has provided Jurisdictionally relevant supporting Evidence in the Jurisdiction of the Ark. State Claims Commission's Jurisdiction, As Federal Evidence, in federal matters are 'Outside the Jurisdiction of the Claims Commission' - see Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015); Also see - A.D.C v. Hobbs, Case No. 5:14-cv-314 JLT/BD (E.D. Ark. Sep. 17, 2015). As Sovereign

Immunity claims of officers negligence ~~are~~ only actionable in Official Capacity in the Claims Commission Jurisdiction.

15. Disputed. Defendants, through Respondant Failed through its Evidence to prove the Res Judicata 'issue preclusion's exact claim for Negligence in Official Capacity is A Established judgement issue previously decided. Claimants claim and Evidence Exhibits 1-5 speak for themselves on the proper Jurisdiction and claim asserted to survive summary judgement.

16. Disputed. The defendants, as well as Respondent failed to prove as a matter of Law that they are Entitled to Summary Judgement as, Claimant has asserted his own sufficient evidence to support a Jury verdict due to proper Venue, Jurisdiction, and claims to warrant proper Jurisdictional Relief in the State Claims Commission - due to his claim of negligence fulfilling Ark. Code Ann. § 19-10-204(3)(A) (West-Supp. 2015) criteria for Relief.

17. Disputed. The Defendants, fail to prove claimants claim, in its proper jurisdiction, fails as a matter of Law, as Claimant disputes all related facts asserted by Respondent upon Defendants behalf, and failed to prove proper Jurisdictional evidence to overcome Claimants prose claim to the State Claims Commission. Thus, there remains triable issues for a Court of Jurisdiction, in the Claims Commission.

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Legal STANDARD

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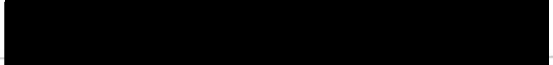
" The Burden rests with the NONMOVANT PARTY To SET FORTH SPECIFIC FACTS, By Affidavit or other evidence, showing that a genuine issue of Material facts exists - National Bank of Commerce v. Dow Chemical Co., 165 F.3d 602, 607 (8th Cir. 1999).

The now moving party (Plaintiff), "must do more than simply show that there is some metaphysical doubt as to the material facts" - Matushita, 475 U.S. at 586. "They must show there is sufficient evidence to support a Jury verdict in their favor." National Bank, - 165 F.3d at 607 (citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242, - 249 (1986)).

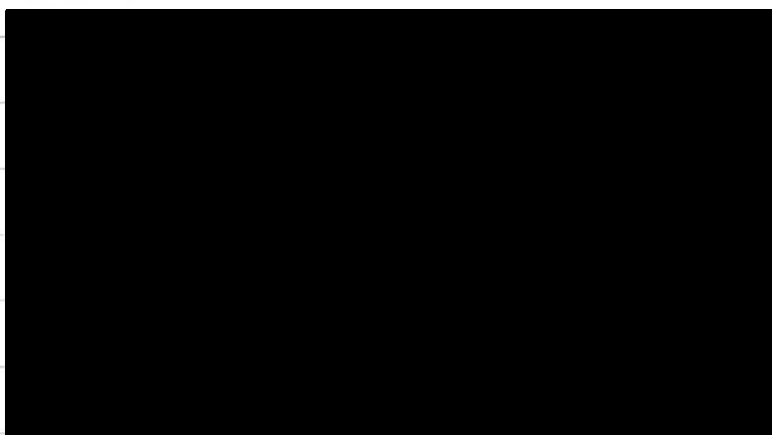
"when opposing parties tell two different stories, one of which is blaterly contradicted by the record, so that no reasonable jury could believe it, a Court should not adopt that version of the facts for purposes of ruling on a motion -

For Summary Judgment.⁴ Scott v. Harris, 550 U.S. -
372, 380 (2007). Plaintiff prays this Court upon the
merits of the evidence presented rule in favor of the
Plaintiff on decision for summary judgment Against the
defendant's motion.

Respectfully Submitted,


Joshua Stuckton 

Dated 11-03-2023



From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
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
Date: Wednesday, November 8, 2023 2:37:24 PM
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. 240378

**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 5, 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 5, 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) 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) the instant claim, 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 Attn: Mike 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

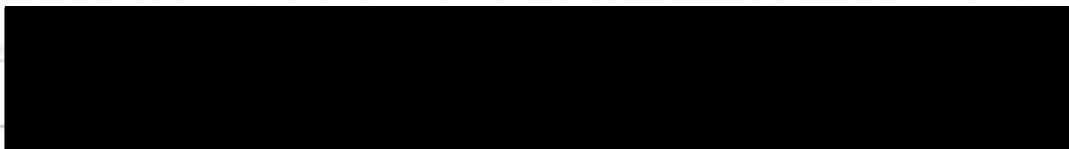
claimant appeals to the General assembly according to Ark. Code Ann. § 19-10-211 -

(2) (1).

under oath sworn, and Respectfully Submitted -

 Adc to 

Joshua Stockton



Dated 11-14-2023

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]

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)