



## STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

Marty Garrity, Director  
Kevin Anderson, Assistant Director  
for Fiscal Services  
Matthew Miller, Assistant Director  
for Legal Services  
Richard Wilson, Assistant Director  
for Research Services

**TO:** CLAIMS REVIEW SUBCOMMITTEE

**FROM:** Legal Division Staff

**SUBJECT:** Summary of legal issues  
*Corey Sanders v. Department of Correction*  
*Denied and dismissed claim/Appealed by Claimant*

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Date of Occurrence: September 7, 2015  
Date of Claim Filed: March 20, 2017  
Amount Claimed: \$8,000.00  
Amount Awarded: N/A  
Claimant's Representative: N/A  
Respondent's Representative: Thomas Burns

Allegations of Claimant: The inmate argues that he attempted to mail legal material to the United States Supreme Court before a deadline to file a post-conviction petition passed. He contends that he placed his legal materials in the department's mail system in time to have it postmarked in time. However, the inmate states that he received a notice from the Clerk of the United States Supreme Court that indicated that it was not postmarked in time and therefore his petition was untimely and denied. He now seeks damages.

Agency Response: The agency moved to dismiss arguing the inmate has failed to state a claim upon which relief may be granted. Specifically, the agency asserts that the inmate has failed to plead any basis for the award of damages beyond anything but speculation. Further, the agency asserts that the inmate has alleged due process and constitutional claims which cannot be heard by the Commission. The agency also maintains that the inmate failed to abide by the requirements of the United States Supreme Court's own filing rules, which would have resulted in his claim being rejected by a court with jurisdiction. For all of those reasons, the agency argues that the claim be dismissed.

Opinion of the Claims Commission: The Commission granted the agency's motion to dismiss due to the inmate's failure to properly file his petition with the United States Supreme Court.