



**STATE OF ARKANSAS  
BUREAU OF  
LEGISLATIVE RESEARCH**

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for Fiscal Services  
Matthew Miller, Assistant Director  
for Legal Services  
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***Claims Review/Litigation Reports Oversight Subcommittee  
of the Arkansas Legislative Council  
Claims Subcommittee of the Joint Budget Committee  
Statement of Redaction of Confidential Information***

Style of Case: Edmond McClinton v. Arkansas Division of Correction

Docket Number: Claim No. 240485

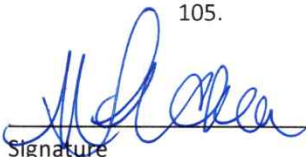
Type of Matter (please circle one):

**Claims Review**

Litigation Reports Oversight

As indicated by my signature below:

- I acknowledge that documents submitted to the Subcommittee may be published or disseminated by the Subcommittee for purposes of its consideration and those documents that are published or disseminated by the Subcommittee will be considered subject to disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.
- I further acknowledge that it is my responsibility to review each document submitted to the Subcommittee and make any necessary redactions.
- I certify that I have reviewed each document submitted herein and have redacted all confidential information excluded from public access by Arkansas Supreme Court Administrative Order No. 19, § VII, and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., including without limitation an individual's home address, personal email address, personal phone number, date of birth, social security number, information identifying a minor child, medical records, and financial account numbers.
- If a redacted document has been submitted, I have also included a non-redacted copy of the same document that may be considered exempt from disclosure under Arkansas Code § 25-19-105.

  
Signature

Mika Tucker  
Name

Arkansas State Claims Commission, Attorney Specialist  
Title and Agency

January 21, 2025  
Date

Arkansas  
State Claims Commission

Please print in ink or type

SEP 29 2023

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- ☐ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

Edmond McClinton (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

Edmond McClinton ([REDACTED]), the above named Claimant, of [REDACTED]  
(Name)

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

State agency involved: Arkansas Department of Corrections, Div. of Correction Amount sought: \$14,999.00

Month, day, year and place of incident or service: January 25, 2023 [REDACTED]

Explanation: Upon January 25, 2023 personal property was confiscated without jurisdiction, by Lt. Merlin Fitzpatrick. This property consisted of college material of an active course, and material from graduated courses. Legal research material on current conviction. Also religious books and other religious material. A mini tablet which was purchased from the unit Commissary, that had over 1100 songs cost \$2.15 each. Hobby craft material was also confiscated, finished art works that I had a permit for to legally keep on my person. The art materials was soon to be copy right material, with patents. This business opportunity was taken away. Which has caused mental anguish that is unrepairable. The officer that confiscated this property was not the Property Control Officer and done so with bias, prejudice being vindictive with malice. Some of the books made it home, that I was forced to mail them home. But none of my legal research and legal material of an open case, nor college or religious material nor art work made it to be shipped home. These materials have been lost. That this was done with malice and was not contraband, I am asking for punitive and compensatory damages. As well as upon AR 1201 inmates are of contract labor and are not being paid as this AR 1201 States that we are to be. This lost of property has cause mental anguish.

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? February 06, 2023 (Month) (Day) (Year); to whom? Department of Corrections Division of Correction (Department)

and that the following action was taken thereon: denied relief due to written

2 Major Disciplinary because of Fraud, by Lt. Merlin Fitzpatrick, lie he told.

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

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

and that the nature thereof is as follows: [REDACTED]; 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.

Edmond McClinton  
(Print Claimant/Representative Name)Edmond McClinton  
(Signature of Claimant/Representative)

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

(SEAL) on this 9-25-23 day of Sept 2023 (Date) (Month) (Year)

COREY RAYNER  
NOTARY PUBLIC-STATE OF ARKANSAS  
LINCOLN COUNTY  
My Commission Expires 02-26-2026  
Commission # 12699062

(Notary Public)

My Commission Expires: 02 26 2026 (Month) (Day) (Year)

SF1- R7/99



IN THE Arkansas State Claims Commission

Edmond McClinton

v. Claim Number \_\_\_\_\_

Arkansas Department of Corrections,  
Division of Correction;  
Lt. Merlin Fitzpatrick

Motion to Request Permission to File a Complaint  
and Accompanying Exhibits that exceed the page  
limitations under Ark. Code Ann. § 19-10-208 (F)

Comes now Edmond McClinton A.D.C. [REDACTED] brings forth  
this motion to submit and file a Complaint and accompanying  
exhibits that exceed the page limitations under A.C.A. §  
19-10-208.

Petitioner ask permission to file additional pages with  
his complaint in favor of said complaint.

Edmond McClinton

Edmond McClinton  
[REDACTED]

September 24, 2023

Reject - Disc Matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [REDACTED]

Name Edmond McClintonADC [REDACTED] Brks # 16-313 Job Assignment Locking

FOR OFFICE USE ONLY	
GRV. #	<u>CU: 23-00120</u>
Date Received	<u>FEB 07 2023</u>
[REDACTED]	
GRIEVANCE OFFICE	

400

2/09/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: my Workcraft materials and other items is missing.

\_\_\_\_\_, (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? \_\_\_\_\_ 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):

January 25 2023 my personal property was confiscated without probable cause, under pretextual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for a confiscation form. Declarant was writing a book, these articles was confiscated.

Personal MP4 Player and other items missing.

Lt. Fitzpatrick came to 1 Barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He knew that I've got a workcraft permit doing it anyway with malice. He asked did I have a workcraft permit and I stated yes. He took the items anyway with deliberate malice.

Edmond McClinton

Inmate Signature

RECEIVED  
FEB 10 2023February 06, 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 2/6/23 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Sgt D. Knight

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: 11M McClinton was in possession of a large amount of excessive property. A routine search was conducted and the property was confiscated. A 401 form was completed. The property was turned over to the property officer and 11M McClinton was advised that he could send the property home at his expense.

Edmond McClinton 2/06/2023

Staff Signature & Date Returned Sgt D. Knight Inmate Signature & Date ReceivedThis form was received on 2/6/23 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).

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

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: 2/6/23

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

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



2/7/23, 12:28 PM

eOMIS - Arkansas - eOMIS Production V8.5- Prod2

IGTT400  
3GR

Attachment II

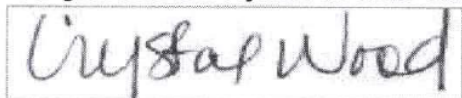
Ne

**ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

TO: Inmate McClinton, Edmond Jr  
 FROM: Wood, Crystal M  
 DATE: 02/07/2023

ADC #: [REDACTED]  
 TITLE: ADC Inmate Grievance Coord  
 GRIEVANCE # [REDACTED] 23-00120

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

**CHECK ONE OF THE FOLLOWING**

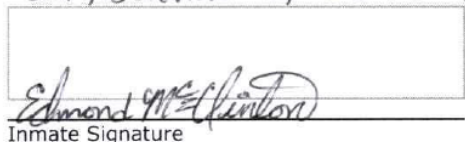
- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor 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 ( Disciplinary matter ), 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.

The nature of this appeal concerns that the grievance was not wrote upon the grounds of a disciplinary that was written. The Grievance was written due to officer misconduct and the confiscation of workcraft permit materials and products.



Inmate Signature

ADC#:

Date

February 7, 2023

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

**RECEIVED**

FEB 10 2023

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING



1



1

1. The first part of the document is a list of the names of the people who were present at the meeting. The names are listed in alphabetical order.



IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED] 23-00120

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

In your grievance dated 2/6/23, you stated, "January 25, 2023 my personal property was confiscated without probable cause, under pretextual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for 2 confiscation form. Declarant was writing 2 book, these articles was confiscated. Personal MP4 Player and other items missing. Lt. Fitzpatrick came to 1 barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He know that Ive got 2 workcraft permit doing it anyway with malice. He asked did I have 2 workcraft permit and I stated yes. He took the items anyway with deliberate indifference."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.

Reject - Disc matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center CumminsName Edmond McClintonADC [REDACTED] Brks # 16-313 Job Assignment \_\_\_\_\_

FOR [REDACTED] USE ONLY
GRV. # <u>23-00121</u>
<u>7</u> 2023
[REDACTED] <u>400</u>

2/06/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I am being deprived of rehabilitation by taking my college courses and books.

(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? \_\_\_\_\_ 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):Upon January 25, 2023 college books and course material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 Barracks Room 35. Therefore I've been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice.Cruel and Unusual punishment that I asked for a confiscation form for these materials and was told if I give you a confiscation form I am going to lock you up. I was locked and due to fraud, false statement that I cussed him and made attempt or threat to cause injury. Which is fraud against the peace and dignity of Arkansas.Upon and against the peace and dignity of Arkansas my college books and courses has been taken without probable cause.Edmond McClintonRECEIVED  
FEB 10 2023February 6, 2023

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 2/6/23 (date), and determined to be **Step One** and/or an Emergency GrievanceNO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Sgt DKnightSgt DKnight2/6/23

PRINT STAFF NAME (PROBLEM SOLVER)

[REDACTED]

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

A disciplinary for his actions he became aggressive when his property was being searched. IM McClinton did receive a 401 form for the property that was confiscated from him.Sgt DKnight  
Staff Signature & Date ReturnedEdmond McClinton  
Inmate Signature & Date Received2/06/2023This form was received on 2/6/23 (date), pursuant to **Step Two**. Is it an Emergency? NO (Yes or No).

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

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

Action Taken: \_\_\_\_\_

(Forwarded to Grievance Officer/Warden/Other) Date: 2/6/23

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.



2/7/23, 12:31 PM

eOMIS - Arkansas - eOMIS Production V8.5- Prod2

IGTT400  
3GR

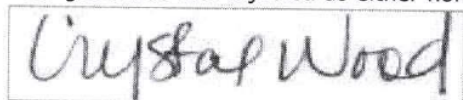
Attachment II

**ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

TO: Inmate McClinton, Edmond Jr  
 FROM: Wood, Crystal M  
 DATE: 02/07/2023

ADC #: [REDACTED]  
 TITLE: ADC Inmate Grievance Coord  
 GRIEVANCE #: [REDACTED] 23-00121

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

**CHECK ONE OF THE FOLLOWING**

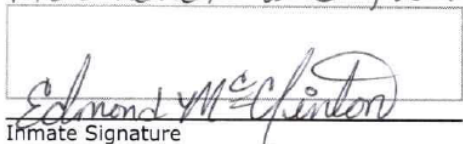
- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor 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 ( Disciplinary matter ), 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.

*This appeal deals with the fact that the nature of the grievance has nothing to do with any disciplinary but that a Correctional Officer has committed misconduct and fraud against the peace and dignity of Arkansas.*



Inmate Signature

ADC #: [REDACTED] February 7, 2023  
 Date

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

**RECEIVED****FEB 10 2023**

INMATE GRIEVANCES SUPERVISOR  
 ADMINISTRATION BUILDING

IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC # [REDACTED]

GRIEVANCE# [REDACTED] 23-00121

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

In your grievance dated 2/6/23, you stated, "Upon January 25, 2023 college books and course Material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 barracks Room 35. Therefore Ive been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice. Cruel and Unusual punishment that I asked for 2 confiscation form for these materials and was told is I give you a confiscation form I am going to lock you up. I was locked and due to Fraud, false statement that I cussed him and made attempt or threat to cause injury. Which id fraud against the peace and dignity of Arkansas. Upon and against the pease and dignity of Arkansas my college books and courses has been taken without probable cause."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.



September 26, 2023

Arkansas  
State Claims Commission

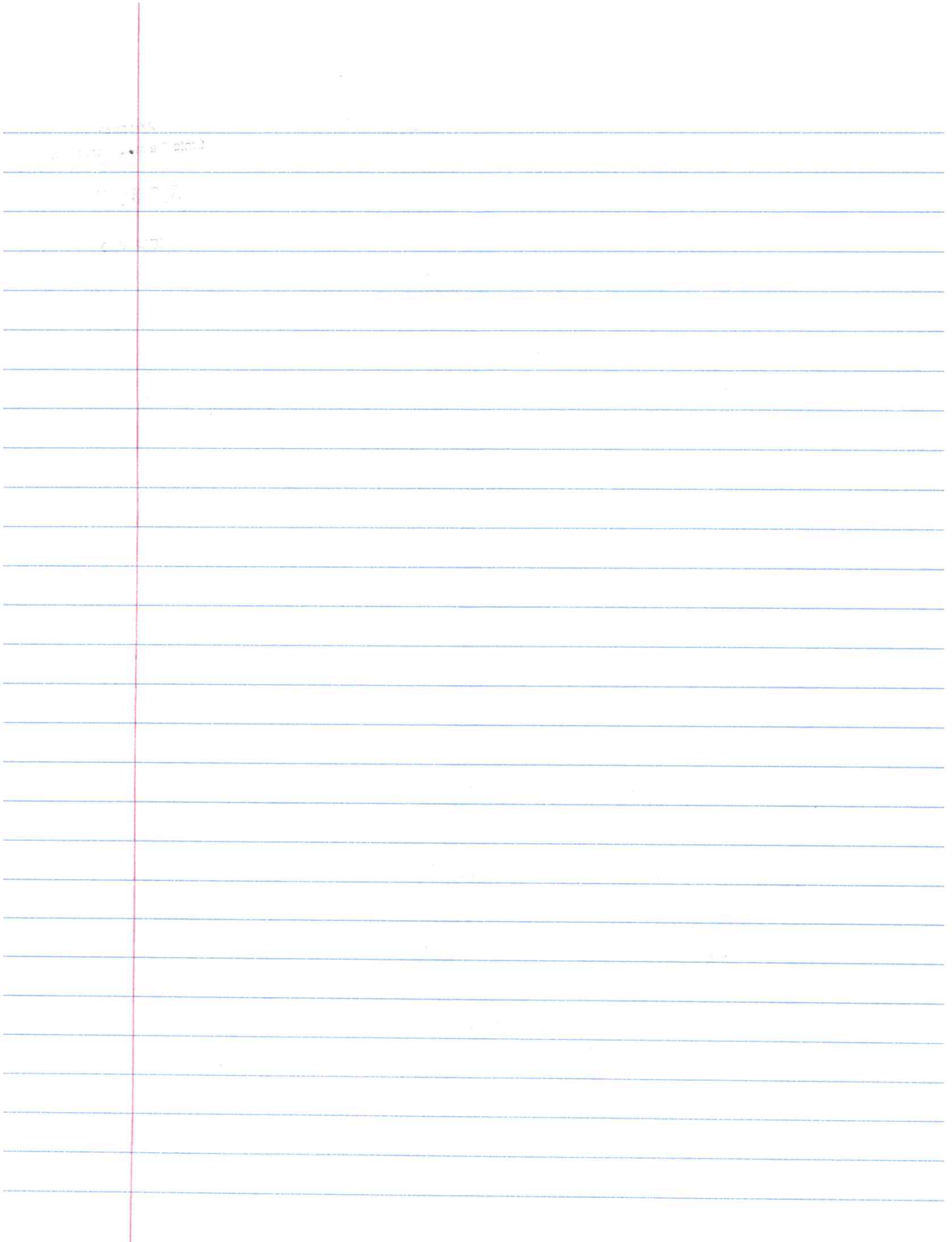
SEP 29 2023

RECEIVED  
Please Return Marked Filed  
Copy Please

Edmond McClinton

A Copy was mailed to the  
Arkansas Department of Corrections  
Office of the Secretary at  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

Edmond McClinton





**From:** [ASCC New Claims](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [Kathryn Irby](#); [Mika Tucker](#)  
**Subject:** CLAIM: Edmond McClinton v. ADC, Claim No. 240485  
**Date:** Monday, October 9, 2023 2:57:00 PM  
**Attachments:** [Edmond McClinton ADC agency ltr .pdf](#)  
[Edmond McClinton Claim.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

October 9, 2023

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

(via email)

RE: ***Edmond McClinton v. Arkansas Division of Correction***  
**Claim No. 240485**

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: Edmond McClinton (ADC [REDACTED]) *Claimant* (w/ encl.)

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



Arkansas  
State Claims Commission

Please print in ink or type

SEP 29 2023

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- ☐ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

Edmond McClinton (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

Edmond McClinton ([REDACTED]), the above named Claimant, of [REDACTED]  
(Name)

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

State agency involved: Arkansas Department of Corrections, Div. of Correction Amount sought: \$14,999.00

Month, day, year and place of incident or service: January 25, 2023 [REDACTED]

Explanation: Upon January 25, 2023 personal property [REDACTED] without jurisdiction, by Lt. Merlin Fitzpatrick. This property consisted of college material of an active course, and material from graduated courses. Legal research material on current conviction. Also religious books and other religious material. A mini tablet which was purchased from the unit Commissary, that had over 1100 songs cost \$2.15 each. Hobby craft material was also confiscated, finished art works that I had a permit for to legally keep on my person. The art materials was soon to be copy right material, with patents. This business opportunity was taken away. Which has caused mental anguish that is unrepairable. The officer that confiscated this property was not the Property Control Officer and done so with bias, prejudice being vindictive with malice. Some of the books made it home, that I was forced to mail them home. But none of my legal research and legal material of an open case, nor college or religious material nor art work made it to be shipped home. These materials have been lost. That this was done with malice and was not contraband, I am asking for punitive and compensatory damages. As well as upon AR 1201 inmates are of contract labor and are not being paid as this AR 1201 States that we are to be. This lost of property has cause mental anguish.

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? February 06, 2023; to whom? Department of Corrections Division of Correction  
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: denied relief due to written

a Major Disciplinary because of Fraud, by Lt. Merlin Fitzpatrick, lie he told.

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

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

and that the nature thereof is as follows: [REDACTED]; 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.

Edmond McClinton  
(Print Claimant/Representative Name)Edmond McClinton  
(Signature of Claimant/Representative)

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

(SEAL) on this 9-25-23 day of Sept 2023  
(Date) (Month) (Year)COREY RAYNER  
NOTARY PUBLIC-STATE OF ARKANSAS  
LINCOLN COUNTY  
My Commission Expires 02-26-2026  
Commission # 12699062

(Notary Public)

My Commission Expires: 02 26 2026  
(Month) (Day) (Year)

SF1-R7/99

IN THE Arkansas State Claims Commission

Edmond McClinton

v. Claim Number \_\_\_\_\_

Arkansas Department of Corrections,  
Division of Correction;  
Lt. Merlin Fitzpatrick

Motion to Request Permission to File a Complaint  
and Accompanying Exhibits that exceed the page  
limitations under Ark. Code Ann. § 19-10-208 (F)

Comes now Edmond McClinton A.D.C. [REDACTED] brings forth  
this motion to submit and file a Complaint and accompanying  
exhibits that exceed the page limitations under A.C.A. §  
19-10-208.

Petitioner ask permission to file additional pages with  
his complaint in favor of said complaint.

Edmond McClinton

Edmond McClinton

September 24, 2023



Reject - Disc Matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [REDACTED]

Name Edmond McClintonADC [REDACTED] Brks # 16-313 Job Assignment Locking

FOR OFFICE USE ONLY	
GRV. # <u>011-23-00120</u>	
Date Received: <u>FEB 07 2023</u>	
[REDACTED] 400	
GRIEVANCE OFFICE	

2/09/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: my Workcraft materials and other items is missing.

\_\_\_\_\_, (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? \_\_\_\_\_ 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):

January 25 2023 my personal property was confiscated without probable cause, under pre-textual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for a confiscation form. Declarant was writing a book, these articles was confiscated.

Personal MP4 Player and other items missing.

Lt. Fitzpatrick came to 1 Barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He knew that I've got a workcraft permit doing it anyway with malice. He asked did I have a workcraft permit and I stated yes. He took the items anyway with deliberate malice.

Edmond McClinton

Inmate Signature

RECEIVED  
FEB 10 2023February 06, 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 2/6/23 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Sgt D. Knight

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: 11M McClinton was in possession of a large amount of excessive property. A routine search was conducted and the property was confiscated. A 401 form was completed. The property was turned over to the property officer and 11M McClinton was advised that he could send the property home at his expense.

Edmond McClinton 2/06/2023

Staff Signature &amp; Date Returned

Sgt D. Knight

Inmate Signature &amp; Date Received

This form was received on 2/6/23 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).

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

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

Action Taken: \_\_\_\_\_

(Forwarded to Grievance Officer/Warden/Other) Date: 2/6/23

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

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

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

2/7/23, 12:28 PM

eOMIS - Arkansas - eOMIS Production V8.5- Prod2

IGTT400  
3GR

Attachment II

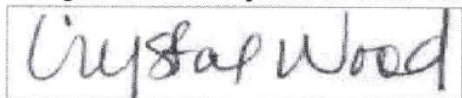
Ne

**ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

TO: Inmate McClinton, Edmond Jr  
 FROM: Wood, Crystal M  
 DATE: 02/07/2023

ADC #: [REDACTED]  
 TITLE: ADC Inmate Grievance Coord  
 GRIEVANCE # [REDACTED] 23-00120

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

**CHECK ONE OF THE FOLLOWING**

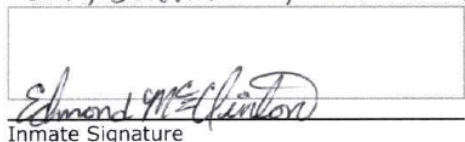
- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor 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 ( Disciplinary matter ), 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.

The nature of this appeal concerns that the grievance was not wrote upon the grounds of a disciplinary that was written. The Grievance was written due to officer misconduct and the confiscation of workcraft permit materials and products.



Inmate Signature

ADC#: [REDACTED] Date February 7, 2023

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

**RECEIVED**

FEB 10 2023

INMATE GRIEVANCES SUPERVISOR  
 ADMINISTRATION BUILDING





1



IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC #: [REDACTED]

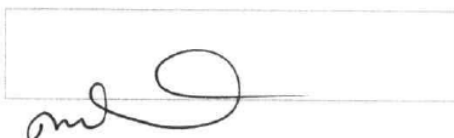
GRIEVANCE#: [REDACTED]-23-00120

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

In your grievance dated 2/6/23, you stated, "January 25, 2023 my personal property was confiscated without probable cause, under pretextual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for 2 confiscation form. Declarant was writing 2 book, these articles was confiscated. Personal MP4 Player and other items missing. Lt. Fitzpatrick came to 1 barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He know that Ive got 2 workcraft permit doing it anyway with malice. He asked did I have 2 workcraft permit and I stated yes. He took the items anyway with deliberate indifference."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.

Reject - Disc matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center CumminsName Edmond McClintonADC [REDACTED] Brks # 16-313 Job Assignment \_\_\_\_\_

FOR [REDACTED] USE ONLY
GRV. # <u>23-00121</u>
DATE <u>7 2023</u>
[REDACTED] <u>400</u>

2/06/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I am being deprived of rehabilitation by taking my college courses and books.

(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? \_\_\_\_\_ 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):Upon January 25, 2023 college books and course material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 Barracks Room 35. Therefore I've been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice.Cruel and Unusual punishment that I asked for a confiscation form for these materials and was told if I give you a confiscation form I am going to lock you up. I was locked and due to fraud, false statement that I cussed him and made attempt or threat to cause injury. Which is fraud against the peace and dignity of Arkansas.Upon and against the peace and dignity of Arkansas my college books and courses has been taken without probable cause.Edmond McClinton

FEB 10 2023

February 6, 2023

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 2/6/23 (date), and determined to be **Step One** and/or an Emergency GrievanceNO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Sgt DKnightSgt DKnight2/6/23

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

A disciplinary for his actions he became aggressive when his property was being searched. IM McClinton did receive a 401 form for the property that was confiscated from him.Sgt DKnight  
Staff Signature & Date ReturnedEdmond McClinton  
Inmate Signature & Date Received2/06/2023This form was received on 2/6/23 (date), pursuant to **Step Two**. Is it an Emergency? NO (Yes or No).

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

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

Action Taken: \_\_\_\_\_

(Forwarded to Grievance Officer/Warden/Other) Date: 2/6/23

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.



2/7/23, 12:31 PM

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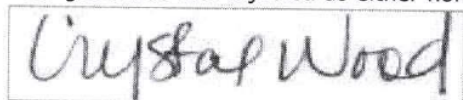
Attachment II

**ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

TO: Inmate McClinton, Edmond Jr  
 FROM: Wood, Crystal M  
 DATE: 02/07/2023

ADC #: [REDACTED]  
 TITLE: ADC Inmate Grievance Coord  
 GRIEVANCE #: [REDACTED] 23-00121

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

**CHECK ONE OF THE FOLLOWING**

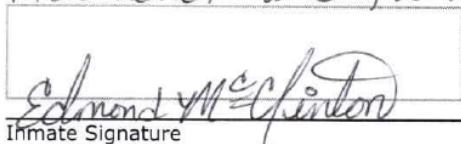
- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor 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 ( Disciplinary matter ), 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.

*This appeal deals with the fact that the nature of the grievance has nothing to do with any disciplinary but that a Correctional Officer has committed misconduct and fraud against the peace and dignity of Arkansas.*



Inmate Signature

ADC #: [REDACTED]  
 Date February 7, 2023

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

**RECEIVED****FEB 10 2023**

INMATE GRIEVANCES SUPERVISOR  
 ADMINISTRATION BUILDING

IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC # [REDACTED]

GRIEVANCE# [REDACTED] 23-00121

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

In your grievance dated 2/6/23, you stated, "Upon January 25, 2023 college books and course Material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 barracks Room 35. Therefore Ive been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice. Cruel and Unusual punishment that I asked for 2 confiscation form for these materials and was told is I give you a confiscation form I am going to lock you up. I was locked and due to Fraud, false statement that I cussed him and made attempt or threat to cause injury. Which id fraud against the peace and dignity of Arkansas. Upon and against the pease and dignity of Arkansas my college books and courses has been taken without probable cause."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Edmond McClinton v ADC 240485  
**Date:** Wednesday, October 11, 2023 10:22:07 AM  
**Attachments:** [1192\\_001.pdf](#)  
[image001.png](#)

---

Answer

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

EDMOND McCLINTON ( [REDACTED]

CLAIMANT

v.

NO. 240485

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 11<sup>th</sup> day of October 2023 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Edmond McClinton ([REDACTED])  
[REDACTED]



Thomas Burns

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** CORR: Edmond McClinton v. ADC, Claim No. 240485  
**Date:** Wednesday, November 8, 2023 8:59:14 AM  
**Attachments:** [Edmond McClinton v. ADC.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. Edmond McClinton (ADC [REDACTED])  
[REDACTED]

RE: *Edmond McClinton v. Arkansas Division of Correction*  
Claim No. 240485

Dear Mr. McClinton,

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)

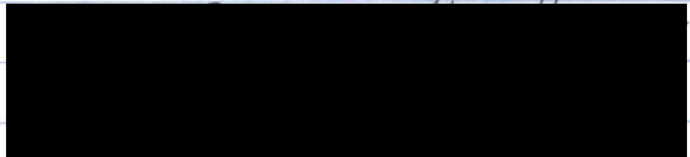
Arkansas  
State Claims Commission

NOV 17 2023

RECEIVED

Please Return Mark Filed  
Copy Please

Edmond McClinton, Pro se  
November 14, 2023



Thank You

Arkansas  
State Claims Commission

NOV 17 2023

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IN THE HONORABLE ARKANSAS  
STATE CLAIMS COMMISSIONEdmond McClinton  
(A.D.C. # [REDACTED])

CLAIMANT

v.

NO. 240485ARKANSAS DEPARTMENT OF CORRECTIONS,  
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR DECLARATORY JUDGMENT  
and TRANSVERSE TO RESPONDENT'SDENIAL OF LIABILITY IN THIS CLAIM

Comes now the Claimant, Edmond McClinton, Pro se,  
and with Transverse seeking Declaratory Judgment, hereby  
states:

1. Upon October 11, 2023 the Respondent filed with the Arkansas State Claims Commission, Answer To Complaint. The Respondent denied liability, and asked for a investigation by internal affairs. The Respondent asked for the matter to be held in abeyance until the investigation is complete.
2. The officer who performed these acts of tort is an employee of the Arkansas Department of Corrections



and did so in his official capacity. Lt. Merlin Fitzpatrick with malice conducted such tort filed in complaint. Complainant exhausted his administrative remedies upon this officer. Complainant filed grievance naming Lt. Merlin Fitzpatrick. The Arkansas Department of Corrections have all documentary evidence of the tort within their records. Therefore how can liability be denied.

3. A declaratory judgment is appropriate under Arkansas Rules of Civil Procedure Rule 57. A declaration of rights, status, or obligation under law or equity. A order declaring the rights or claims of parties who have a real dispute that they cannot resolve without an assessment of their arguments of fact or law, yet the dispute is not brought for a specific remedy. There is an adverse interests, therefore declaratory judgment is warranted. With such, the complainant has been the victim of tort. Therefore with it done by malice and vindictive, ask for compensatory damages with punitive damages by law.


Conclusion

Complainant prays that relief is granted, that he be awarded compensatory and punitive damages. That the sought amount of \$14,999.00 will suffice.

Certificate of Service

Complainant certify upon this day, November 14, 2023 an original copy of Motion has been mailed to Legal Division, Arkansas Department of Corrections, Division of Correction 6814 Princeton Pike Pine Bluff, Arkansas 71602

Edmond McClinton  
Edmond McClinton



**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 27, 2023

Mr. Edmond McClinton (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Edmond McClinton v. Arkansas Division of Correction*  
Claim No. 240485

---

Dear Mr. McClinton,

Enclosed please find a file-marked copy of the motion for declaratory judgment and transverse to respondent's denial of liability filed in the above-referenced claim. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott



**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Edmond McClinton v ADC 240485  
**Date:** Tuesday, November 28, 2023 9:41:40 AM  
**Attachments:** [1918\\_001.pdf](#)  
[image001.png](#)

---

MSJ

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

EDMOND McCLINTON ( [REDACTED] )

CLAIMANT

v

NO. 240485

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 appealing his major disciplinary, has failed to exhaust his administrative remedies, and failed to respond to the Commission.
5. The inmate claims in his complaint that property was confiscated. That complaint even makes mention that he was denied relief because he was written a major disciplinary. *See attached Ex A.*
6. The Inmate filed two (2) grievances ( [REDACTED] 23-00120 and [REDACTED] -23-00121) but those grievances were rejected as a disciplinary matters. *See attached Ex B.*

7. The inmate received a disciplinary in relation to his property on January 25, 2023 and he was convicted by the ADC disciplinary court.. *See attached Ex C*. The Claims Commission was not designed to be the appellate arm of the ADC's disciplinary process.

8. The Arkansas State Claims Commission does not have jurisdiction when an inmate makes claims about their disciplinary action and 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).

9. 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 ae 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.

10. The inmates grievances were rejected and since more than 15 days has elapsed since those rejections 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).

11. 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.

12. The inmate failed to respond to the letter the Claims Commission sent him on November 8, 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.” *See attached Ex D.*

13. 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.”

14. 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.

15. 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.

16. 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*).

17. 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 appealing his disciplinary conviction.
- (c) Third, the inmate failed to respond to the Claims Commission.
- (d) Fourth, the inmate fails to cite any legal authority for his contention that summary judgment is inappropriate.

18. 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 28<sup>th</sup> day of November 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Edmond McClinton [REDACTED]

Thomas Burns





Arkansas  
State Claims Commission

Please print in ink or type

SEP 29 2023

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- ☐ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

Edmond McClinton (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

Edmond McClinton (ADC 107846)

the above named Claimant, of [REDACTED]

(Name)

(Street or R.F.D. &amp; No.)

(City)

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

State agency involved: Arkansas Department of Corrections, Div. of Correction Amount sought: \$14,999.00

Month, day, year and place of incident or service: January 25, 2023 [REDACTED]

Explanation Upon January 25, 2023 personal property was confiscated without jurisdiction, by Lt. Merlin Fitzpatrick. This property consisted of college material of an active course, and material from graduated courses. Legal research material on current conviction. Also religious books and other religious material. A mini tablet which was purchased from the unit Commissary, that had over 1100 songs cost \$2.15 each. Hobby craft material was also confiscated, finished art works that I had a permit for to legally keep on my person. The art materials was soon to be copy right material, with patents. This business opportunity was taken away. Which has caused mental anguish that is unrepairable. The officer that confiscated this property was not the Property Control Officer and done so with bias, prejudice being vindictive with malice. Some of the books made it home, that I was forced to mail them home. But none of my legal research and legal material of an open case, nor college or religious material nor art work made it to be shipped home. These materials have been lost. That this was done with malice and was not contraband, I am asking for punitive and compensatory damages. As well as upon AR 1201 inmates are of contract labor and are not being paid as this AR 1201 states that we are to be. This lost of property has cause mental anguish.

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? February 06, 2023; to whom? Department of Corrections, Division of Correction (Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: denied relief due to written a Major Disciplinary because of fraud, by Lt. Merlin Fitzpatrick, lie he told.

and that S [REDACTED] was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A; 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: N/A and was acquired on N/A, in the following manner:



Reject - Disc Matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center CumminsName Edmond McClinton

ADC#

Brks #

16-313

Job Assignment

Lat Library

FOR OFFICE USE ONLY

GRV. #

CU-23-00120

Date Received:

GRV. Code #

GRIEVANCE OFFICE

400

2/06/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: my Workcraft materials and other items is missing.

(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?      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):January 25, 2023 my personal property was confiscated without probable cause, under pre-textual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for a confiscation form. Declarant was writing a book, these articles was confiscated.

Personal MP4 Player and other items missing.

Lt. Fitzpatrick came to 1 Barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He know that I've got a workcraft permit doing it anyway with malice. He asked did I have a workcraft permit and I stated yes. He took the items anyway with deliberate interference.Edmond McClinton

Inmate Signature

FEB 10 2023

February 26, 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 2/6/23 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form:

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

IM McClinton was in possession of a large amount of excessive property. A routine search was conducted & the property was confiscated & a 401 form was completed. The property was turned over to the property officer & IM McClinton was advised that he could send the property home at his expense.

Staff Signature &amp; Date Returned

ID Number

Staff Signature

Date Received

This form was received on 2/6/23 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance:

Date:

Action Taken:

(Forwarded to Grievance Officer/Warden/Other)

Date: 2/6/23

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.



2/7/23, 12:28 PM

eOMIS - Arkansas - eOMIS Production V8.5- Prod2

IGTT400  
3GR

Attachment II

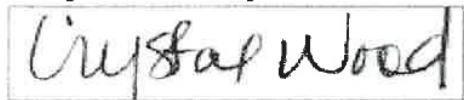
Ne

**ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE**

TO: Inmate McClinton, Edmond Jr  
 FROM: Wood, Crystal M  
 DATE: 02/07/2023

ADC #: [REDACTED]  
 TITLE: ADC Inmate Grievance Coord  
 GRIEVANCE #: 23-00120

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

**CHECK ONE OF THE FOLLOWING**

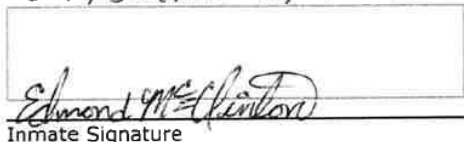
- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor 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 ( Disciplinary matter ), 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.

The nature of this appeal concerns that the grievance was not wrote upon the grounds of a disciplinary that was written. The Grievance was written due to officers misconduct and the confiscation of workcraft permit materials and products.



Inmate Signature

ADC#:

Date

February 7, 2023

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

**RECEIVED**

FEB 10 2023

INMATE GRIEVANCES SUPERVISOR  
 ADMINISTRATION BUILDING

IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC #

GRIEVANCE#: -23-00120

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

In your grievance dated 2/6/23, you stated, "January 25, 2023 my personal property was confiscated without probable cause, under pretextual claims that I was in possession of excessive property. These articles taken was of the nature of workcraft materials authorized by workcraft permit. Finished products confiscated have not been accounted for. Even though declarant asked for 2 confiscation form. Declarant was writing 2 book, these articles was confiscated. Personal MP4 Player and other items missing. Lt. Fitzpatrick came to 1 barracks Room 35 and the first thing he picked up to confiscate was my finished workcraft materials. He know that Ive got 2 workcraft permit doing it anyway with malice. He asked did I have 2 workcraft permit and I stated yes. He took the items anyway with deliberate indifference."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.



Reject - Disc matter

## UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center CumminsName Edmond McClintonADC# [REDACTED] Brks # 16-313 Job Assignment \_\_\_\_\_

FOR OFFICE USE ONLY	
GRV. #	<u>CU-23-00121</u>
Date	<u>FEB 07 2023</u>
GRV. #	<u>400</u>

2/06/23 (Date) STEP ONE: Informal Resolution2/06/23 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: I am being deprived of rehabilitation by taking my college courses and books.

(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? \_\_\_\_\_ 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):Upon January 25, 2023 college books and course material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 Barracks Room 35. Therefore I've been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice.Cruel and Unusual punishment that I asked for a confiscation form for these materials and was told if I give you a confiscation form I am going to lock you up. I was locked and due to fraud, false statement that I cussed him and made attempt or threat to cause injury. Which is fraud against the peace and dignity of Arkansas.Upon and against the peace and dignity of Arkansas my college books and courses have been taken without probable cause.Edmond McClinton

FEB 10 2023

February 6, 2023

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 2/6/23 (date), and determined to be Step One and/or an Emergency GrievanceNO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Sgt. DKnight

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: Inmate McClinton Received a disciplinary for his actions he became aggressive when his property was being searched. McClinton did receive a 401 form for the property that was confiscated from him.Sgt. DKnight 2/6/23Edmond McClinton 2/06/2023

Staff Signature &amp; Date Returned

Inmate Signature &amp; Date Received

This form was received on 2/6/23 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).

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

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

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: 2/6/23

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

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

2/7/23, 12:31 PM

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IGTT400  
3GR

Attachment II

## ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate McClinton, Edmond Jr

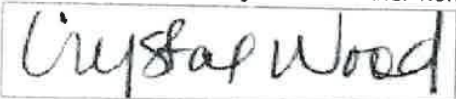
FROM: Wood, Crystal M

DATE: 02/07/2023

ADC #: [REDACTED]

TITLE: ADC Inmate Grievance CoordGRIEVANCE #: [REDACTED] 23-00121

Please be advised, I have received your Grievance dated 02/06/2023 on 02/07/2023.  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

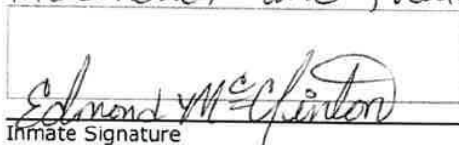
### CHECK ONE OF THE FOLLOWING

- ☐ 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 ( Disciplinary matter ), 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.

*This appeal deals with the fact that the nature of the grievance has nothing to do with any disciplinary but that 2 Correctional Officer has committed misconduct and fraud against the peace and dignity of Arkansas.*



Inmate Signature

ADC#:

Date

February 7, 2023

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

RECEIVED

FEB 10 2023

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING



IGTT430  
3GD

Attachment VI

INMATE NAME: McClinton, Edmond Jr

ADC # [REDACTED]

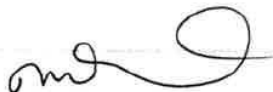
GRIEVANCE# [REDACTED]-23-00121

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

In your grievance dated 2/6/23, you stated, "Upon January 25, 2023 college books and course Material to 4 different courses was confiscated by Lt. Fitzpatrick from 1 barracks Room 35. Therefore Ive been deprived of betterment, improvement and rehabilitation. With deliberate indifference and malice. Cruel and Unusual punishment that I asked for 2 confiscation form for these materials and was told is I give you a confiscation form I am going to lock you up. I was locked and due to Fraud, false statement that I cussed him and made attempt or threat to cause injury. Which id fraud against the peace and dignity of Arkansas. Upon and against the pease and dignity of Arkansas my college books and courses has been taken without probable cause."

On 2/7/23 your grievance was rejected at the unit level due to being a disciplinary matter.

Your appeal was received on 2/10/23. I have reviewed your appeal and I find that your property was confiscated due to you having excessive property. Due to your actions during the confiscation of your property caused you to received a disciplinary. Therefore, I consider this a disciplinary matter and I will not address the merit of this appeal.



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.



11/28/23, 9:15 AM

ISSS001B - Disciplinary Violation

ISSS001B

**Disciplinary Violation**

11/28/2023 09:15:23 AM

<b>Violation Date:</b>	01/25/2023	<b>Time:</b>	01:45:00 PM
<b>Version:</b>	4-1988 - Present		
<b>Facility:</b>	[REDACTED]		
<b>Incident Report #:</b>	2023-01-162		
<b>Zone:</b>	Zone 3		
<b>Location within Facility:</b>	BK01 - BARRACKS 1		
<b>Shift:</b>	Shift C		
<b>Charged by Staff:</b>	Fitzpatrick, Merlin D	<b>Violation Type:</b>	Major
<b>Received Date:</b>	01/25/2023	<b>Time:</b>	07:21:15 AM
<b>Received By Staff:</b>	Fitzpatrick, Merlin D		
<b># Injuries to: Staff:</b>	0		
<b>Inmates:</b>	0		
<b>Visitors:</b>	0		
<b>Weapon Involved</b>	<input type="checkbox"/>		
<b>STG Involved:</b>	<input type="checkbox"/>		

**Code****Code Violation**

02-12

Keep Person/Quarters W Regulat

02-17

Creating Unnecessary Noise

11/28/23, 9:15 AM

ISSS001B - Disciplinary Violation

Code	Code Violation
05-3	Assault - verbal or written threat
09-5	Possession/Introduction Of Clothing
12-3	Failure To Obey Order Of Staff

Incident Report Unit: Cummins Unit

Incident Report Date/Time: 01/25/2023/07:08:42 AM

Incident Report Number: 2023-01-162

Incident Report Comments By: Merlin D Fitzpatrick

On 1-25-23 at 1:45pm I Lt. Merlin Fitzpatrick along with Cpl. K. Starks conducted a routine search on inmate McClinton, Edmond [REDACTED] who lived in 1 bks room 35 due the large amount of property he had stored in his room. I advised inmate McClinton that he had too much property and that he would have to send it home or destroy it. Inmate McClinton became angry and stated I want a fucking 401 form for everything you take and started to use other cuss words in a loud tone of voice and started to come toward me stating you not go take my shit and Cpl. M. Gardner step in front of him and Cpl. F. Coleman placed inmate McClinton in hand restraints. Inmate McClinton stated you motherfuckers are not going to take my shit. I then advised COL Coleman to escort inmate McClinton to restrictive housing due to his aggressive behavior. Inmate McClinton was escorted to the unit infirmary for a pre-lock up assessment and then to restrictive housing. Due to inmate McClinton, E. [REDACTED] actions, I am charging him with the above rule violations 02-12, 02-17, 05-3, 09-5 and 12-3 pending DCR

CSO Staff: Coleman, Jimmy IV

Review Date: 01/26/2023

Action: Refer to Hearing Officer/Comm.

☐ None

Cpl. K. Starks

Inmate Notified by Staff: Whitaker, Christy P

Inmate Notified Date: 01/27/2023

Time: 07:41:00 AM

Extension Granted as of Date:

Time:



11/28/23, 9:15 AM

ISSS001B - Disciplinary Violation

<b>Hearing Date:</b>	02/02/2023	
<b>Start Time:</b>	09:03:00 AM	<b>End Time:</b> 09:09:00 AM
<b>Recorder:</b>	Waddle, Keith L	
<b>Tape #:</b>		<b>Side:</b>
<b>Meter From:</b>		<b>To:</b>
<b>2nd Tape #:</b>		<b>Side:</b>
<b>Meter From:</b>		<b>To:</b>
<b>Facility:</b>	Cummins Unit [A01]	
<b>Hearing Officer:</b>	Waddle, Keith L	
<b>Disposition:</b>	Guilty	
<b>Counsel Substitute Name:</b>		

☐ **Attendance Waived**

Lt. Fitzpatrick came to my room. I have a hobby craft card. He told me I had to much property and told me to get rid of it. He came back and took my property. I did not threaten him or cuss him.  
Do you have a statement?

**Code Violation****Plea****Verdict**

Keep Person/Quarters W Regulat

Not Guilty

Not Guilty

Creating Unnecessary Noise

Not Guilty

Guilty

Assault - verbal or written threat

Not Guilty

Guilty

Possession/Introduction Of Clothing

Not Guilty

Guilty

Failure To Obey Order Of Staff

Not Guilty

Not Guilty

## ▼ Punishment Sanctions

Reprimand	<input type="checkbox"/>		
Impose Suspended Sanctions for Disciplinary Rule Violation on:	<input type="checkbox"/>	Date: <input type="text"/>	Time: <input type="text"/>
Restriction Days to Serve:			
Commissary:	<input type="text" value="60"/>	Days Suspended:	<input type="text" value="0"/>
Mail:	<input type="text" value="0"/>	Days Suspended:	<input type="text" value="0"/>
Phone:	<input type="text" value="60"/>	Days Suspended:	<input type="text" value="0"/>
Visitation:	<input type="text" value="60"/>	Days Suspended:	<input type="text" value="0"/>
Recreation:	<input type="text" value="0"/>	Days Suspended:	<input type="text" value="0"/>
Punitive Isolation Days to Serve:	<input type="text" value="22"/>	Days Suspended:	<input type="text" value="0"/>
How Served:	<input type="text" value="Consecutive"/>		
Extra Duty Hours Assigned:	<input type="text" value="0"/>	Hours Suspended:	<input type="text" value="0"/>
GT Class Reduced to:	<input type="text" value="Class IV"/>	Class Suspended:	<input type="text"/>
GT Days Forfeited:	<input type="text" value="365"/>	Days Suspended:	<input type="text" value="0"/>
Restitution Owed:	<input type="text" value="0.00"/>	Dollars Suspended:	<input type="text" value="0.00"/>
Suspended Sanctions Duration (in Days):	<input type="text" value="0"/> <input type="text" value="N/A"/>		
Days available to be Taken on MR:	<input type="text"/>	on PE/TE:	<input type="text"/>

11/28/23, 9:15 AM

ISSS001B - Disciplinary Violation

8 days credit.

WS reviewed.

Inmate possessed contraband, threaten staff and possess contraband.

F-1 statement from charging officer.

Photos of items.

Staff report is accepted.

Inmate is class IC but must not possess contraband, threaten staff or create unnecessary noise.

<b>DR Status:</b>	Finalized	<b>As of Date:</b>	03/23/2023	Status History
-------------------	-----------	--------------------	------------	----------------

<b>Appealed to Warden Date:</b>	02/10/2023	<b>Outcome:</b>	Findings Upheld	<b>Date:</b>	02/10/2023
<b>Appealed to H/O Admin. Date:</b>	02/21/2023	<b>Outcome:</b>	Findings Upheld	<b>Date:</b>	03/03/2023
<b>Appealed to Director Date:</b>	03/20/2023	<b>Outcome:</b>	Findings Upheld	<b>Date:</b>	03/20/2023

Received signed white copy on 2/21/23.

After reviewing all supporting documentation , I have determined that I concur with the decision of the Major Disciplinary Hearing Officer, and the finding are upheld. TR1/dlg.





# 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. Edmond McClinton (ADC [REDACTED])  
[REDACTED]

RE: ***Edmond McClinton v. Arkansas Division of Correction***  
Claim No. 240485

Dear Mr. McClinton,

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)

FD



**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Edmond McClinton v ADC 240485  
**Date:** Tuesday, November 28, 2023 9:48:21 AM  
**Attachments:** [1919\\_001.pdf](#)  
[image001.png](#)

---

ADC response to declaratory judgment

Thank you,  
-TB



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

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

EDMOND McCLINTON ( [REDACTED]

CLAIMANT

V.

NO. 240485

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSE TO JDECLARATORY JUDGMENT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The ADC admits it filed an answer on or about October 11, 2023.
3. The ADC denies paragraph 2.
4. The ADC denies paragraph 3.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Division of Correction  
Legal Services Unit

6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov



## CERTIFICATE OF SERVICE

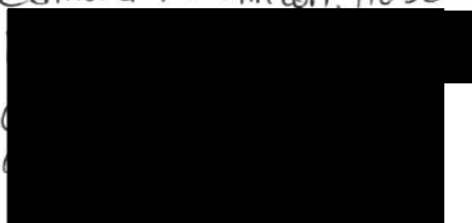
I certify that a copy of the above pleading has been served this 28<sup>th</sup> day of November 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Edmond McClinton [REDACTED]  
[REDACTED]

  
\_\_\_\_\_  
Thomas Burns

December 6, 2023

Edmond McClinton, Pro se



Arkansas  
State Claims Commission

DEC 13 2023

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Arkansas State Claims Commission  
101 E. Capitol Ave. Suite 410  
Little Rock, Arkansas 72201-3823

RE: McClinton v. Arkansas Department of Corrections,  
Division of Correction  
No. 240485

Greetings

Please return filed marked copy of Motion for Declaratory Judgment that the Respondent replied to on November 28, 2023. The claimant has not received his filed marked copy of Motion for Declaratory Judgment.

Also please return filed marked copy of the enclosed response to respondent's Motion for Summary Judgment, please

Edmond McClinton

## IN THE ARKANSAS STATE CLAIMS COMMISSION

EDMOND McCLINTON

CLAIMANT

v.

NO. 240485

ARKANSAS DEPARTMENT OF CORRECTIONS,

RESPONDENT

ARKANSAS DIVISION OF CORRECTION

CLAIMANT RESPONSE TO SUMMARY JUDGMENT

Comes now Edmond McClinton, brings forth this response to respondent's Motion for Summary Judgment hereby state:

1. The facts of respondent's Motion for Summary Judgment does not show that there is no genuine issue as to any material fact, and it does not show that the moving party is entitled to a judgment as a matter of law.
2. The respondent presented as exhibits the claimant's administrative remedies, that was denied by the Division of Correction.
3. The respondent claim that the claimant is appealing a disciplinary. The claimant is not appealing a disciplinary. The claimant is bringing a Tort claim against Lt. Merlin Fitzpatrick for torts he has committed in his official capacity as employee of the Arkansas Division of Correction. These torts are in the administrative

remedies admitted to the Division of Correction, that was denied on each level.

4. The claimant presented Motion for Declaratory Judgment to the Arkansas State Claims Commission. The respondent replied with denial only. The respondent has not shown that the tort was not committed by Lt. Merlin Fitzpatrick. The claimant has proof that these items was taken and that these items has been misplaced. There has been a tort committed with malice by Lt. Merlin Fitzpatrick. That he was of knowledge that the complainant had a workcraft permit. He deprived the claimant of his workcraft finished art products anyway. These art products has not been accounted for. The officer did not have authority to deprive claimant of his workcraft material and productions. There also was other property that was seized illegally without authority by the officer. Claimant was deprived of his mini tablet he purchased from commissary. This mini tablet was loaded with over 1100 songs, each song cost \$2.15 each. Claimant was also deprived of his legal materials dealing with his open criminal case.
5. The respondent has not proven that claimant did not have these items, the preponderance of the evidence is in favor of the claimant. That the Division of Corrections records will show and court records will show, that claimant



DEC 13 2023

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has provided material facts to support his claim. That claimant has been deprived of personal property with an economic value without authority or jurisdiction. The officer was not the property control officer and confiscated these workcraft productions and misplaced them with malice.

[ Theft of property ]

### Conclusion

That respondent knew that claimant had a workcraft permit to possess art productions which was taken and misplaced with malice, along with legal work on a open case, and mini tablet with 1100 plus songs. The respondent has caused economic loss to claimant, and mental anguish. Therefore emotional distress with lost of economic opportunity. The respondent should be held accountable and claimant awarded \$14,999.00 for his emotional distress, mental anguish and economic loss, compensatory damages with punitive damages that the tort was with malice.

Certificate of Service

To day this 6<sup>th</sup> Day of December, 2023 the claimant certify a copy has been mailed to respondent.

Edmond M<sup>c</sup>Clinton, pro se

Edmond M<sup>c</sup>Clinton, Pro se



**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

February 6, 2024

Mr. Edmond McClinton (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Edmond McClinton v. Arkansas Division of Correction*  
Claim No. 240485

---

Dear Mr. McClinton,

Enclosed please find a file-marked copy of your response to summary judgment filed in the above-referenced claim. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Tawnie Rowell \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Edmond McClinton v. ADC, Claim No. 240485  
**Date:** Friday, June 21, 2024 12:47:00 PM  
**Attachments:** [Edmond McClinton v. ADC.pdf](#)  
[Edmond McClinton-order.pdf](#)

---

Ms. Rowell:

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

June 21, 2024

Mr. Edmond McClinton (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Rowell  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Edmond McClinton v. Arkansas Division of Correction***  
Claim No. 240485

---

Dear Mr. McClinton and Ms. Rowell:

Enclosed please find an Order entered on June 14, 2024, 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

EDMOND MCCLINTON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 240485

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) for summary judgment as to the claim of Edmond McClinton (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on September 29, 2023, seeking \$14,999.00 in damages related to his allegations regarding confiscation and loss of property.<sup>1</sup> Claimant indicated on his claim form that he was “denied relief due to [being] written a major disciplinary because of fraud” and attached documentation showing that his grievance was rejected because it was a disciplinary matter.

2. Respondent filed a motion for summary judgment, arguing, *inter alia*, that the Commission does not have jurisdiction over Respondent’s disciplinary matters.

3. Claimant filed a response to the motion for summary judgment, arguing, *inter alia*, that Claimant is bringing a tort action against Respondent’s employee, who confiscated his property with malice.

---

<sup>1</sup> The Commission notes that Claimant’s claim contained a motion to exceed page limitations set in Ark. Code Ann. § 19-10-208(f)(1). However, the Commission finds this motion to be moot as Claimant’s claim did not exceed the page limitations of in Ark. Code Ann. § 19-10-208(f)(1).

4. The Commission agrees with Respondent that dismissal of this claim is proper. Because this claim is inexorably entwined with the disciplinary incident, it is beyond the scope and purpose of the Commission to consider disciplinary issues or to insert itself into Respondent's disciplinary process.

5. If Claimant believes he was deprived of due process in the disciplinary process or if he has federal law claims against individual employees of Respondent, those claims can be brought in a court of general jurisdiction. The Commission does not have jurisdiction to hear such claims. *See* Ark. Code Ann. § 19-10-204.

6. As such, pursuant to Ark. Code Ann. § 19-10-204 and Ark. R. Civ. P. 12(h)(3) and 56, Respondent's motion is GRANTED and the Commission DISMISSES Claimant's claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, Chair

DATE: June 14, 2024

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from transmission 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 transmission 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

JUL 10 2024

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Before The Arkansas State Claims Commission

Edmond McClinton

Claimant

v.

Claim No. 240485

Arkansas Division of Correction

Respondent

Motion for Reconsideration

Now comes Edmond McClinton, Pro se for motion for reconsideration:

1. Upon June 14, 2024 the Arkansas State Claims Commission entered an order. Due to jurisdiction of the Arkansas State Claims Commission, Respondent's Motion for Summary Judgment was granted. That upon grounds that the incident relates to a behavior report being written against an inmate.
2. The subject matter of the claim was not based upon the rejection of a disciplinary appeal. The subject matter of the claim concerns

1.



property interest of the claimant, by matter of law. The claimant wrote agency dispute on the matter. Within the grievance of this matter no mention of a disciplinary by claimant. The state agency refused to adjudicate on the merits of the grievance. The grievance did not mention any type of disciplinary, only that the officer had misplaced or destroyed the claimants property. Just the mention of a Department of Corrections behavior issue do not take the jurisdiction of the Arkansas State Claims Commission from a tort issue of lost or stolen property of the inmate. Claimants work craft productions has been stolen or misplaced by Lt. Merlin Fitzpatrick, of the Arkansas Division of Correction. The fact that he wrote a disciplinary concerning other issue do not negate the facts of the stolen or misplaced property, that was authorized to have by inmate, to be sold by inmate at a later date. Also the fact that other authorized items are missing also.

2.

### 3. Upon Arkansas Code Annotated § 19-10-204 Jurisdiction of Arkansas State Claims Commission

(a) The Arkansas State Claims Commission has jurisdiction over:

(1) A claim or action that is barred by the doctrine of sovereign immunity under Arkansas Constitution, Article 5, § 20, from being litigated in a court of general jurisdiction, except as otherwise provided by law;

(b) The commission has no jurisdiction over a claim or action:

(1) Against a municipality, county, school district, or any other political subdivision of the state;

(2) Arising under

(A) The Workers' Compensation Law, § 11-9-101 et seq.;

- (B) The Division of WorkForce Services Law, §11-10-101 et seq.;
  - (C) The Arkansas Teacher Retirement System Act, Acts 1973, No. 427;
  - (D) The Arkansas Public Employees' Retirement System Act, Acts 1957, No. 177;
  - (E) The State Police Retirement System Act, § 24-6-201 et seq.; or
  - (F) Laws providing for old age assistance grants, child welfare grants, blind pensions, or any laws of a similar nature;
- (3) Against the state for repayment of child support, except in cases in which the underlying support order is set aside as void ab initio by the court and the child support paid was retained by the state as reimbursement for public assistance paid on behalf of a child;
- (4) Brought by a member of the uniformed armed services against the Department of the Military, the State Militia, or any subdivision of the state

4.

Militia, if the claim or action arises out of the performance of the claimant's military duty;

(5) Brought against the Division of Community Correction for acts committed by a person while that person is subject to conditions of parole, post-release supervision, or probation under Arkansas Law;

(6) Brought against the Division of Correction for acts committed by inmates while on authorized release from the Division of Correction;

(7) Brought against the Division of Youth Services for acts committed by juveniles released by the Division of Youth Services, whether or not the juvenile is subject to conditions of aftercare or probation; or

(8) For state ~~tax~~ refunds under § 26-18-507, a claim or action challenging tax assessments under § 26-18-406, or a claim or action challenging tax laws under Arkansas Constitution, Article 16, § 13.

That none of these; A.C.A. § 19-10-204 (b) (1) through (8) establish the commission has no jurisdiction over a claim or action, due to the mention of a disciplinary being written against claimant in the incident of his property being stolen by Lt. Merlin Fitzpatrick at Cummins Unit, Division of Correction, Department of Corrections. A.C.A. § 19-10-204 (b) (1) through (8) describes what the commission has no jurisdiction over. The mention of disciplinary against claimant was not mentioned. Therefore, the Arkansas State Claims Commission upon A.C.A. § 19-10-204 (b) (1) through (8) does have jurisdiction of the the subject matter, by matter of law.

6.

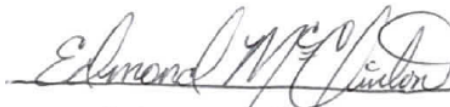


### Conclusion

That upon Arkansas Code Annotated § 19-10-204 (b) (1) through (8), the Arkansas State Claims Commission does have jurisdiction to adjudicate on the merits of the claim. Therefore claimant ask the Arkansas State Claims Commission for an adjudication on the merits of the claim. That a behavior issue of the claimant could not take the jurisdiction of a claim, were the respondent has committed a tort, and claim has been file.

### Certificate of Service

Claimant certify that a copy of this motion has been mailed to the respondent upon this day — June 3, 2024.

  
Edmond McClinton

7. 

**From:** [Kris Higdon \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Tawnie Rowell \(DOC\)](#)  
**Subject:** Edmond McClinton v. ADC, 240485  
**Date:** Friday, July 12, 2024 8:33:15 AM  
**Attachments:** [Response to Motion to Reconsider.pdf](#)

---

Please see Response to Motion to Reconsider.

Kris Alan Higdon  
Attorney at Law  
Office of the Secretary  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Phone: 501-862-9593  
[Kris.a.higdon@doc.arkansas.gov](mailto:Kris.a.higdon@doc.arkansas.gov)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

EDMOND MCCLINTON (ADC# [REDACTED])

CLAIMANT

V.

CLAIM NO. 240485

ARKANSAS DIVISION OF CORRECTIONS  
RESPONDENT**RESPONSE TO MOTION FOR RECONSIDERATION**

COMES NOW the Arkansas Division of Corrections, and for its Response to Claimant's Motion for Reconsideration, states:

1. The Arkansas Division of Corrections denies each and every allegation contained in the Inmate's Motion unless specifically admitted herein.
2. The Arkansas Division of Corrections admits that an order granting its motion for summary judgment was entered by the Commission on June 14, 20204.
3. The Arkansas Division of Corrections denies the content of paragraph 2 in Claimant's Motion
4. The Arkansas Division of Corrections admits that Claimant has correctly quoted A.C. A. §19-10-204 in paragraph 3 of his Motion.
5. The Arkansas Division of Corrections denies the unnumbered paragraph in Claimant's Motion.
6. The Arkansas Division of Corrections denies the Conclusion paragraph in Claimant's Motion.

WHEREFORE, the Arkansas Division of Corrections prays this Commission deny Claimant's Motion for Reconsideration and for all other just and proper relief.

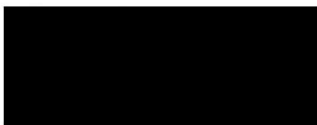
Respectfully submitted,

/s/ Kris Alan Higdon  
Kris Alan Higdon #2004115  
Arkansas Department of Corrections  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Telephone: (501) 682-9593  
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 12<sup>th</sup> day of July 2024.

Edmond McClinton



/s/ Kris Alan Higdon  
Kris Alan Higdon

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Kris Higdon \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)  
**Subject:** ORDER: Edmond McClinton v. ADC, Claim No. 240485  
**Date:** Monday, December 16, 2024 3:55:43 PM  
**Attachments:** [Edmond McClinton v. ADC2.pdf](#)  
[Edmond McClinton-order2.pdf](#)

---

Mr. Higdon:

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

December 16, 2024

Mr. Edmond McClinton (ADC [REDACTED])  
[REDACTED]

Mr. Kris A. Higdon  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Edmond McClinton v. Arkansas Division of Correction***  
Claim No. 240485

---

Dear Mr. McClinton and Mr. Higdon:

Enclosed please find an Order entered on December 13, 2024, 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

EDMOND MCCLINTON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 240485

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER ON CLAIMANT'S  
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by Edmond McClinton (the “Claimant”) for reconsideration of the Commission’s June 14, 2024, order dismissing Claimant’s claim against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on September 29, 2023, seeking \$14,999.00 in damages related to his allegations regarding confiscation and loss of property. Claimant indicated on his claim form that he was “denied relief due to [being] written a major disciplinary because of fraud” and attached documentation showing that his grievance was rejected because it was a disciplinary matter.
2. Respondent filed a motion for summary judgment, arguing, *inter alia*, that the Commission does not have jurisdiction over Respondent’s disciplinary matters.
3. Claimant filed a response to the motion for summary judgment, arguing, *inter alia*, that Claimant is bringing a tort action against Respondent’s employee, who confiscated his property with malice.
4. The Commission entered an order on June 14, 2024, finding that Claimant’s claim was inexorably entwined with a disciplinary incident and dismissing Claimant’s claim.

5. Claimant then filed the instant motion for reconsideration, arguing, *inter alia*, that his claim does not relate to his disciplinary, but to property that was stolen or misplaced by Respondent's employee.

6. Respondent responded to the motion for reconsideration.

7. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available . . . ."

8. The Commission finds that the motion does not set forth new or additional evidence not previously available.

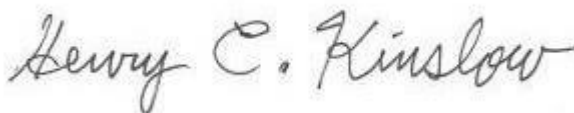
9. As such, Claimant's motion for reconsideration is DENIED, and the June 14, 2024, Commission order remains in effect.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: December 13, 2024

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from transmission 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 transmission 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

DEC 27 2024

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Edmond McClinton Claimant

v.  
ARKANSAS  
Division of CORRECTION Respondent  
CLAIM NO. 240485Designation of Record and  
NOTICE OF APPEAL

Comes now Edmond McClinton, Pro se  
brings forth this Notice of Appeal and  
Designation of Record, hereby states:

That because the Commission has mis-  
interpreted the jurisdiction of the commission,  
claimant brings forth this Notice of Appeal.

That Designation of Record be forwarded  
to Arkansas General Assembly, with certificate  
of service to Claimant.

December 21, 2024

Edmond McClinton

Edmond McClinton