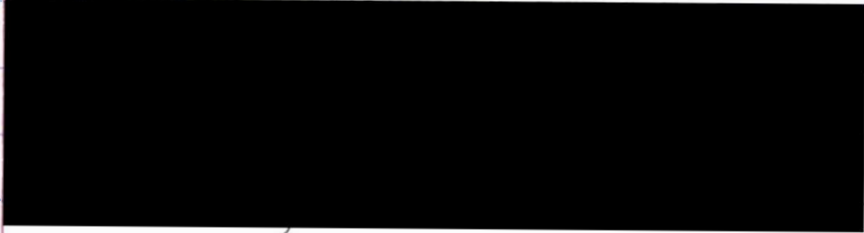


August 22, 2022

Steven Pinder



Arkansas
State Claims Commission

AUG 22 5 2022

RECEIVED

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

RE Steven Pinder

v

Arkansas Department of Corrections

(New Complaint)

Clerk

Please find enclosed 1 original and 4 copies of my new Complaint for filing with the Commission. Please return one copy to me with the file markings of the Commission.

Thank you in advance.

Respectfully
Steven Pinder

cc: file

Enclosures (5)

AUG 25 2022

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Mr. Steven Pinder (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

Mr. Steven Pinder (ADC [redacted])

the above named Claimant, of

(Name)

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

(City)

County of LEE

represented by PRO-SE

(Legal Counsel, if any, for Claim)

(State) (Zip Code) (Daytime Phone No.)

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

State agency involved: Arkansas Department of Corrections Amount sought: \$ 5,000.00

Month, day, year and place of incident or service: October 8, 2021 at the [redacted]

Explanation: On October 8, 2021 during regular mail call I was given two (2) articles of mail both of which were legal letters. One was a certified letter from Wener and Associates Attorneys and the second was from the Internal Revenue Service and both pieces of mail had been slit open and retaped. Ms. L. Southern the mailroom supervisor had opened and read my legal mail outside of my presence, in violation of ADC's "Inmate Correspondence Policy" AD-18-37. Per policy Attorney mail and IRS mail is considered "privileged" and "must" be opened in the presence of the inmate. I filed a grievance EAM 21-02064 in which L. Southern stated "mail received from the IRS is not considered legal mail," which is contrary to ADC's Inmate Correspondence Policy AD 18-37. L. Southern has intentionally violated ADC's Inmate Correspondence Policy whereby opening and reading privileged mail outside of my presence exposing my social security, tax information and legal advice of my then attorney. L. Southern did violate my ~~legal~~ interest in the privacy afforded me by ADC's Inmate Correspondence policy. I am seeking damages of \$ 5,000.00 from this L. Southern and ADC.

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? December 13, 2021; to whom? William Straughn Deputy Director (ADC) (Department)

and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address _____ (Name) _____ (Street or R.F.D. & No.) _____ (City) _____ (State) _____ (Zip Code)

and that the nature thereof is as follows: _____ and was acquired on _____ 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.

Steven L. PINDER
(Print Claimant/Representative Name)

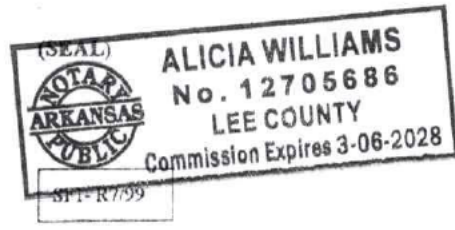
Steven Pinder
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna _____ (City) _____ (State)

on this 18th day of May 2022
(Date) (Month) (Year)

Alicia Williams
(Notary Public)

My Commission Expires: 3 06 2028
(Month) (Day) (Year)



UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name Steven Pinder

ADC# [redacted] Brks # X-6-36 Job Assignment [redacted]

RECEIVED GRIEVANCE C

FOR OFFICE USE ONLY
GRV. # EAM21-02064
Date Received:
GRV. Code #:

10/11/21 (Date) STEP ONE: Informal Resolution

10/19/21 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: NO Response at Step I - proceeded to Step III with yellow copy on the merits.

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

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

ON October 8, 2021 I received 2 articles of legal mail - one from the IRS and one from Wener & Associates Attorneys - and Ms. Southern in the mail room opened these two (2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of APC's privileged correspondence policy which clearly provides that legal mail will be opened only in the presence of the inmate!! Ms. Southern must be removed from her position as the mail room supervisor for refusing to adhere to APC's Correspondence Policy. I seek damages in the amount of \$2500.00 and the removal of Ms. Southern from her position in the mail room. (NOTE: The Wener letter was sent to me cert. mail and was opened by the Ms. Southern)

Steven Pinder

NOV 29 2021

October 11, 2021

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 10-19-21 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates:

NO Response
Staff Signature & Date Returned: Steven Pinder 10/19/21
Inmate Signature & Date Received

This form was received on 10-19-21 (date), pursuant to Step Two. Is it an Emergency? (Yes or No)

Staff Who Received Step Two Grievance: Sgt B. King Date: 10-19-21

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: NOV 29 2021

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.

MAX 6/36

IGTT410
3GS

Attachment III

INMATE NAME: Pinder, Steven L.

ADC #: [REDACTED]

GRIEVANCE #: EAM21-02064

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Pinder, you stated in your grievance that, "On October 8, 2021 I received 2 articles of legal Mail- one from the IRS and one from Wener & Associates; Attorneys- and Ms. Southern in the [REDACTED] Mailroom opened those two(2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of ADC's privileged correspondence policy which clearly provides that "Legal mail will be opened only in the presence of the inmate." Ms. Southern must be removed from her position as the [REDACTED] Mail room supervisor for refusing to adhere to ADC correspondence policy. I seek damages in the amount of \$2500.00 and the removal of Ms. Southern from her position in the [REDACTED] mail room. (note) The Wener letter was sent to me certified mail and was opened by the Ms. Southern."

Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail. She also advised, on 11/19/21 she spoke with you regarding the legal mail you are referring to in this grievance, you failed to provide her with the legal mail to support your allegation. Therefore, I find your grievance without merit.

[Signature]
Signature of Warden/Supervisor or Designee
RECEIVED
NOV 29 2021

[Signature]
Title

[Signature]
Date
11/26/21

INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? First and foremost ADC's AD 18-37 "Inmate Correspondence" commands that incoming mail from any governmental agency "is in fact privileged mail and must be opened in the presence of the inmate receiving it. (AD-18-37). Furthermore, I do not have to prove my case to Ms. Southern who wanted the mail so she could take it up front. I only have to prove my assertions of FACT to a court of Law, which will occur. Ms Southern violated ADC's Ad 18-37 by opening my legal mail as well failing to open the mail in my presence. Therefore, I reassert the merits of my grievance and state the warden's response is contrary to ADC's policies and procedures. I stand on the grievance and its merits and seek \$ 2500.00 in damages.

[Signature]
Steven Pinder

ADC#: [REDACTED] Date Nov 26, 2021

IGTT430
3GD

Attachment VI

INMATE NAME: Pinder, Steven L.

ADC #: [REDACTED]

GRIEVANCE#: EAM21-02064

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 10/11/2021, you stated the following complaint: On October 8,2021 I received 2 articles of legal Mail- one from the IRS and one from Wener & Associates, Attorneys- and Ms. Southern in the [REDACTED] Mailroom opened those two(2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of ADC's priviledged correspondence policy which clearly provides that "Legal mail will be opened only in the presense of the inmate." Ms. Southern must be removed from her position as the [REDACTED] Mail room supervisor for refusing to adhere to ADC correspondence policy. I seek damages in the amount of \$2500.00 and the removal if Ms. Southern from her position in the [REDACTED] mail room. (note) The Wener letter was sent to me certified mail and was opened by the Ms. Southern .

The Warden responded to your grievance on 11/26/2021, by stating the following: Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail. She also advised, on 11/19/21 she spoke with you regarding the legal mail you are referring to in this grievance, you failed to provide her with the legal mail to support your allegation. Therefore, I find your grievance without merit.

Your appeal was received on 11/29/2021. After review of your appeal and supporting documentation, I find you have failed to provide any evidence to substantiate your allegations. You refused to allow Ms. Southern to review the documentation you are complaining about. Due to the evidence submitted in your appeal, I find your appeal is without merit.

Appeal denied

[REDACTED]


Director


Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Mika Tucker

From: ASCC New Claims
Sent: Thursday, September 1, 2022 12:40 PM
To: Thomas Burns (DOC); Leslie Browning (DOC)
Cc: Kathryn Irby
Subject: CLAIM: Steven Pinder v. ADC, Claim No. 230260
Attachments: Steven Pinder ADC agency ltr .pdf; Steven Pinder 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

September 1, 2022

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

(via email)

RE: ***Steven Pinder v. Arkansas Division of Correction***
Claim No. 230260

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

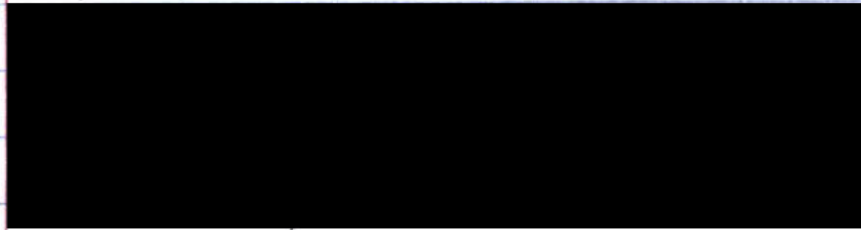
ES: cmcdaniel

cc: Steven Pinder (ADC [REDACTED] *Claimant* (w/ encl.))

Note to Claimant or Claimant's counsel: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

August 22, 2022

Steven Pinder



Arkansas
State Claims Commission

AUG 22 5 2022

RECEIVED

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

RE Steven Pinder

v

Arkansas Department of Corrections

(New Complaint)

Clerk

Please find enclosed 1 original and 4 copies of my new Complaint for filing with the Commission. Please return one copy to me with the file markings of the Commission.

Thank you in advance,

Respectfully

Steven Pinder

cc: file

Enclosures (5)

AUG 25 2022

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Mr. Steven Pinder (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

Mr. Steven Pinder (ADC [redacted])

the above named Claimant, of

(Name)

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

(City)

County of LEE

represented by PRO-SE

(Legal Counsel, if any, for Claim)

(State) (Zip Code) (Daytime Phone No.)

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

State agency involved: Arkansas Department of Corrections Amount sought: \$ 5,000.00

Month, day, year and place of incident or service: October 8, 2021 at the [redacted]

Explanation: On October 8, 2021 during regular mail call I was given two (2) articles of mail both of which were legal letters. One was a certified letter from Wener and Associates Attorneys and the second was from the Internal Revenue Service and both pieces of mail had been slit open and retaped. Ms. L. Southern the mailroom supervisor had opened and read my legal mail outside of my presence, in violation of ADC's "Inmate Correspondence Policy" AD-18-37. Per policy Attorney mail and IRS mail is considered "privileged" and "must" be opened in the presence of the inmate. I filed a grievance EAM 21-02064 in which L. Southern stated "mail received from the IRS is not considered legal mail," which is contrary to ADC's Inmate Correspondence Policy AD 18-37. L. Southern has intentionally violated ADC's Inmate Correspondence Policy whereby opening and reading privileged mail outside of my presence exposing my social security, tax information and legal advice of my then attorney. L. Southern did violate my ~~legal~~ interest in the privacy afforded me by ADC's Inmate Correspondence policy. I am seeking damages of \$ 5,000.00 from this L. Southern and ADC.

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? December 13, 2021; to whom? William Straughn Deputy Director (ADC) (Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: NONE

and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____; and was acquired on _____ 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.

Steven L. PINDER
(Print Claimant/Representative Name)

Steven Pinder
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna _____ (City) _____ (State)

on this 18th day of May 2022
(Date) (Month) (Year)

Alicia Williams
(Notary Public)
My Commission Expires: 3 06 2028
(Month) (Day) (Year)



UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name Steven Pinder

ADC# [redacted] Brks # X-6-36 Job Assignment [redacted]

RECEIVED GRIEVANCE C

FOR OFFICE USE ONLY
GRV. # EAM21-02064
Date Received:
GRV. Code #:

10/11/21 (Date) STEP ONE: Informal Resolution

10/19/21 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: NO Response at Step I - proceeded to Step II with yellow copy on the merits.

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

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

ON October 8, 2021 I received 2 articles of legal mail - one from the IRS and one from Wener & Associates Attorneys - and Ms. Southern in the mail room opened these two (2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of APC's privileged correspondence policy which clearly provides that legal mail will be opened only in the presence of the inmate!! Ms. Southern must be removed from her position as the mail room supervisor for refusing to adhere to APC's Correspondence Policy. I seek damages in the amount of \$2500.00 and the removal of Ms. Southern from her position in the mail room. (NOTE: The Wener letter was sent to me cert. mail and was opened by the Ms. Southern)

Steven Pinder

NOV 29 2021

October 11, 2021

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 10-19-21 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates:

NO Response
Staff Signature & Date Returned: Steven Pinder 10/19/21
Inmate Signature & Date Received

This form was received on 10-19-21 (date), pursuant to Step Two. Is it an Emergency? (Yes or No)

Staff Who Received Step Two Grievance: Sgt B. King Date: 10-19-21

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: NOV 29 2021

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.

INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

MAX 6/36

IGTT410
3GS

Attachment III

INMATE NAME: Pinder, Steven L.

ADC #: [REDACTED]

GRIEVANCE #: EAM21-02064

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Pinder, you stated in your grievance that, "On October 8, 2021 I received 2 articles of legal Mail- one from the IRS and one from Wener & Associates; Attorneys- and Ms. Southern in the [REDACTED] Mailroom opened those two(2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of ADC's privileged correspondence policy which clearly provides that "Legal mail will be opened only in the presence of the inmate." Ms. Southern must be removed from her position as the [REDACTED] Mail room supervisor for refusing to adhere to ADC correspondence policy. I seek damages in the amount of \$2500.00 and the removal of Ms. Southern from her position in the [REDACTED] mail room. (note) The Wener letter was sent to me certified mail and was opened by the Ms. Southern."

Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail. She also advised, on 11/19/21 she spoke with you regarding the legal mail you are referring to in this grievance, you failed to provide her with the legal mail to support your allegation. Therefore, I find your grievance without merit.

[Signature]
Signature of Warden/Supervisor or Designee

RECEIVED
NOV 29 2021

[Signature]
Title

11/26/21
Date

INMATE'S APPEAL

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? First and foremost ADC's AD 18-37 "Inmate Correspondence" commands that incoming mail from any governmental agency "is in fact privileged mail and must be opened in the presence of the inmate receiving it. (AD-18-37). Furthermore, I do not have to prove my case to Ms. Southern who wanted the mail so she could take it up front. I only have to prove my assertions of FACT to a court of Law, which will occur. Ms Southern violated ADC's Ad 18-37 by opening my legal mail as well failing to open the mail in my presence. Therefore, I reassert the merits of my grievance and state the warden's response is contrary to ADC's policies and procedures. I stand on the grievance and its merits and seek \$ 2500.00 in damages.

Steven Pinder

ADC#: [REDACTED] Date Nov 26, 2021

IGTT430
3GD

Attachment VI

INMATE NAME: Pinder, Steven L.

ADC #: [REDACTED]

GRIEVANCE#: EAM21-02064

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 10/11/2021, you stated the following complaint: On October 8,2021 I received 2 articles of legal Mail- one from the IRS and one from Wener & Associates, Attorneys- and Ms. Southern in the [REDACTED] Mailroom opened those two(2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of ADC's priviledged correspondence policy which clearly provides that "Legal mail will be opened only in the presense of the inmate." Ms. Southern must be removed from her position as the [REDACTED] Mail room supervisor for refusing to adhere to ADC correspondence policy. I seek damages in the amount of \$2500.00 and the removal if Ms. Southern from her position in the [REDACTED] mail room. (note) The Wener letter was sent to me certified mail and was opened by the Ms. Southern .

The Warden responded to your grievance on 11/26/2021, by stating the following: Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail. She also advised, on 11/19/21 she spoke with you regarding the legal mail you are referring to in this grievance, you failed to provide her with the legal mail to support your allegation. Therefore, I find your grievance without merit.

Your appeal was received on 11/29/2021. After review of your appeal and supporting documentation, I find you have failed to provide any evidence to substantiate your allegations. You refused to allow Ms. Southern to review the documentation you are complaining about. Due to the evidence submitted in your appeal, I find your appeal is without merit.

Appeal denied

[REDACTED]



Director



Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

Mika Tucker

From: Leslie Browning (DOC)
Sent: Thursday, September 1, 2022 1:50 PM
To: ASCC Pleadings
Cc: Thomas Burns (DOC)
Subject: Steven Pinder 230260
Attachments: ADC Answer.pdf

Answer

Leslie Browning

Arkansas Division of Correction
Central Office/Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602
Legal Support Specialist
Phone: 870-267-6844
Email: leslie.browning@arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER [REDACTED]

CLAIMANT

v.

CLAIM NO. 230260

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

RESPONDENT

ANSWER TO COMPLAINT

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.

2. The applicable account information required by the Commission is:

- | | |
|---------------------------|--------------------------|
| a. Agency number: 0480 | b. Cost Center: HCA 0100 |
| c. Internal Order: 340301 | d. Fund Center: 509 |

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of the investigation by Internal Affairs.

Respectfully submitted,



Thomas Burns (02006)
ADC Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602-9411
(870) 267-6845 telephone
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 1st day of September 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Steven Pinder [REDACTED]
[REDACTED]



Thomas Burns

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Wednesday, September 21, 2022 2:51 PM
To: Thomas Burns (DOC)
Cc: Leslie Browning (DOC); ASCC Pleadings; Kathryn Irby
Subject: CORR: Steven Pinder v. ADC, Claim No. 230260
Attachments: Steven Pinder v. ADC .pdf

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

September 21, 2022

Mr. Steven Pinder (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: *Steven Pinder v. Arkansas Department of Correction*
Claim No. 230260

Dear Mr. Pinder,

Please be advised that the Arkansas Department of Correction (the "Respondent") in the above-styled claim filed an Answer denying liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Claims Commission in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Kathryn Irby

ES: msscott

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

Mika Tucker

From: Thomas Burns (DOC)
Sent: Tuesday, September 27, 2022 1:56 PM
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 0014_001.pdf

MTD

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan*, 2011 Ark. 94. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer*, 573 U.S. 409, 425 (2014). Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank*, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal* 556 U.S. 662 (2009). Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$5000.00, for alleged failure to follow policy. Although inmate seeks an award of damages (\$5000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must be an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008))*. The

Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. See *Martin v Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible.

Id. at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P. 8(a)(2)*).

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a life sentence on a conviction of rape.

13. The inmate claims that the ADC did not open legal mail in his presence.

14. The inmate has never provided any documents, envelopes, or letters that he claims were legal/privileged mail.

15. The ADC policy on inmate correspondence, AD 2021-01, that states how those items are handled. *See attached Ex A.*

16. This type of mail must be on official letterhead envelopes and clearly marked as “legal mail”.

17. AD 14-49 is the Directive about Income Tax (IRS). Tax checks go to Trust Fund Centralized Banking to be cleared and placed in an inmates account. *See attached Ex B.*

18. The inmate filed a grievance and, in his appeal, stated “I do not have to prove my case” and only sought \$2500.00. *See attached Ex C*

19. The grievance, after two levels of review, was found without merit. *See attached to inmate complaint.*

20. Any mail for a government agency or official must be in their official capacity. And again, the inmate has offered absolutely no proof of a letter from a law firm or something other than a check from the IRS.

21. The inmate is further making claims that his 4th Amendment liberty interest are being violated. That is not within the Commissions jurisdiction.

22. This complaint is nothing but mere conclusions and not a single fact to be found.

23. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

24. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

25. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

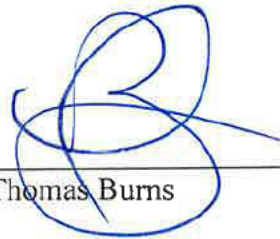


Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 27th day of September 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Pinder [REDACTED]
[REDACTED]



Thomas Burns



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction - Director's Office

6814 Princeton Pike
Pine Bluff, Arkansas 71602
Phone: (870) 267-6200 | Fax: (870) 267-6244

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Correspondence

NUMBER: 2021-01

SUPERSEDE: 18-37

APPLICABILITY: All Staff and Inmates

PAGE: 1 of 5

REFERENCE: AR 860 Inmate Correspondence; AR 401 Searches for and Control of Contraband; AR 841 Inmate Property Control; AR 825 Inmate Name Change for Religious Purposes; AD Inmate Name Changes; AD Inmate Property Control ACA Standards; and A.C.A. 12-12-312

APPROVED: Original signed by Director Dexter Payne EFFECTIVE DATE: 3/29/2021

I. POLICY:

It shall be the policy of the Arkansas Division of Correction (ADC) to permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence.

II. PURPOSE:

It is the ADC's policy to open all mail in accordance with the procedures outlined in Administrative Rule (AR) 860, Inmate Correspondence. The rule covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

III. DEFINITIONS:

- A. Inspections. Mail or hobby-craft packages will be opened to determine if any contraband items are contained therein and to remove any such contraband items.
- B. General Correspondence. Correspondence mailed to the inmate, other than privileged correspondence, will be limited to three (3) pages which will be copied (black and white photocopy) along with the envelope so that two (2) sheets of paper, front and back, shall be provided for each item of general correspondence an inmate receives. Originals will be shredded after the copy has been made.
- C. Legal/Privileged Correspondence. Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.
 - 1) Officers of Federal, State, and Local Courts;
 - 2) Any Federal or State Official or Agency;
 - 3) Any Administrator of the ADC;

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- 4) The Parole Board or its staff;
 - 5) The Board of Corrections or its staff;
 - 6) The Inmate's Attorney(s); and
 - 7) Any member of the News Media.
- D. Contraband. Any item that is not permitted under the usual rules of the unit/center including general correspondence that exceeds three pages.
- E. Rejection. Any item of correspondence containing any contraband will be rejected. Any item of general correspondence exceeding the limitations set out in Section IV. A. below will be rejected. In addition, any material which the Warden/Center Supervisor or designee reasonably determines will present a clear and present danger to institutional security will be rejected.

IV. PROCEDURES

A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband or the contents of which exceeds an envelope with writing on one side and three sheets of 8 ½ x 11-inch (or smaller) size paper with writing on one side will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband. Note that individual photographs will be considered one sheet of paper, and nothing larger than 8 ½ x 11 inch will be copied. No color photocopies will be made.
2. Photos received from the crime lab that contain the following information to an inmate in the custody of ADC shall be considered contraband per A.C.A. § 12-12-312:
 - a. Depicts a crime scene;
 - b. Depicts the victim of a crime; or
 - c. Was taken in conjunction with an autopsy.
3. The originals of any incoming general correspondence copied and delivered to the inmate will be shredded immediately.
4. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
5. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail rejected under this policy. Illegal contraband will be seized. If the inmate is not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
6. Mailroom personnel will submit the items to be destroyed to the Deputy Warden/Center Supervisor for review and/or approval to destroy.
7. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy Warden/Center Supervisor will oversee the destruction of the mail and contraband.
8. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient. A notification will be sent to the inmate advising when his/her mail has been rejected and why it was rejected. The

inmate will be given thirty (30) days from the date received to pay the postage for returning mail rejected under this policy if the rejected item included a return address.

9. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content. The copy of newsprint must be on 8 ½ by 11-inch paper or smaller and each sheet will count as one of the three pages allowed as general correspondence.

B. Inmate Electronic Correspondence

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only; however, the limit to three sheets and one side of an envelope will not apply.
4. All incoming and outgoing electronic correspondence will be inspected and approved before distribution.
5. Inmates who have purchased an approved MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP4 Player. The printed photographs must comply in content and number as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible for ensuring that the number of printed photographs in his/her possession does not exceed established limits.
7. Rejected electronic correspondence will be rejected in its entirety.

C. Legal/Privileged Correspondence

1. Incoming Legal/Privileged Mail will be logged by mailroom staff upon receipt on the Legal Mail Delivery Form (Attachment 3). Mailroom personnel must sign and list the name of the addressee, sender, and the tracking number listed on the envelope on the Legal Mail Delivery Form. The staff member who delivers the Legal/Privileged mail to an inmate must list their name and rank on the Legal Mail Delivery Form. Upon delivery of any legal mail, staff will provide an acknowledgment of legal mail to the inmate, if the inmate refuses to sign acknowledgment, another staff member will note "inmate refused to sign" on the Legal Mail Delivery Form and sign as a witness. The Legal/Privileged mail will then be opened in the presence of the inmate. Mail opened and inspected under these circumstances will not be read or censored but may be rejected in its entirety if it is found to contain contraband.
2. There will be no records kept of the contents of the incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming privileged mail should be in official letterhead envelopes and

should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

3. Each Unit should schedule a "Privileged Mail Call" for outgoing mail once a day, Monday through Friday excluding holidays.
4. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
5. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), outbound privileged mail will be deposited in the authorized Privileged Mailbox to be picked up by mailroom personnel.
6. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 3 and 4 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to ensure contraband is not present.
7. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.

Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.

8. Inmates in Restrictive Housing or Punitive will have his/her outbound privileged correspondence checked at their cells in accordance with paragraphs 3 and 4.

D. General Correspondence

1. Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received; however, each item of inbound correspondence is limited to three sheets of 8 ½ x 11-inch paper or smaller along with one side of an envelope which will be photocopied and delivered to the inmate. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence.
2. The full name under which the inmate was committed, and the ADC number of the inmate shall be shown on the upper left-hand corner of the envelope on any outgoing mail and bottom right of incoming mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail.
3. Inmates in punitive housing will be allowed to send and receive general correspondence and privileged correspondence on the same basis as inmates in the general population.
4. Limitations on the pages of general correspondence to be photocopied shall not apply to the following facilities: Benton Work Release Center, Northwest Arkansas Work Release Center, Mississippi County Work Release Center, Texarkana Work Release Center, Pine Bluff Reentry Center, and the Tucker Reentry Center.

5. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists. The page limit and copying of general correspondence is to restrict the flow of contraband arriving by paper sent into the ADC facilities.
6. The ADC will not accept postage due mail or packages.
7. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.
8. Violators of correspondence regulations will be subject to disciplinary action.

E. Interstate/Inter-Unit Correspondence between Incarcerated Individuals

Interstate and Inter-unit correspondence is mail between all individuals who are incarcerated either within the ADC or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subject to the usual rules under general correspondence including the page limit for photocopying. Inter-unit correspondence must have the approval of both the sending and receiving Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sisters, brothers, spouse, children, grandchildren, and any other person whose relationship with the inmate has been verified as that of a parent/guardian such as mother-in-law, father-in-law, grandparents, aunts, or uncles, or whose relationship with the inmate has been verified as that of a child/ward such as a foster child, son-in-law, daughter-in-law, niece, or nephew. This list of immediate family members includes stepfamily members and half siblings.

V. ATTACHMENT:

- Attachment #1- Inmate Correspondence Form
- Attachment #2- Return Mail Notice
- Attachment # 3- Legal Mail Delivery Form



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6200
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Income Tax Returns

NUMBER: 14-49

SUPERSEDES: 12-13

APPLICABILITY: All ADC Inmates/Business Managers/
Mail Room Supervisors

REFERENCE: AR 109-Funds of Offenders
ACA Standards

PAGE 1 of 3

APPROVED: Original Signed by Ray Hobbs

EFFECTIVE DATE: 10/31/2014

I. POLICY:

It shall be the policy of the Arkansas Department of Correction to provide a mechanism to ensure inmate requests for filing of Federal and State income tax returns are legitimate.

II. PROCEDURE:

A. Unit Responsibility

1. Inmates can only receive tax forms from the Unit Business Manager or designee. Forms received in a different manner will be considered contraband. Possession in excess of two forms will be considered contraband. With the exception of an inmate's spouse or children, any written information in the possession of an inmate containing another person's name, social security number, and date of birth shall be considered evidence of intent to commit tax fraud.
2. The Unit Business Manager or designee, upon receiving proof of income (i.e., W2, 1099, etc.) from an inmate, will provide the proper

printed forms and instructions to the requesting inmate. Only two copies of the form and one copy of instructions will be given to the inmate. One copy of the form is to be mailed to the proper taxing authority and the other is to be retained for the inmate's records.

3. Business Managers can download federal forms and instructions from the Internal Revenue Service website at <http://www.irs.gov/formspubs/index.html>. Arkansas state income tax forms and instructions can be downloaded at the Arkansas Department of Finance and Administration website at https://www.dfa.arkansas.gov/images/uploads/incomeTaxOffice/AR100001andAR1000NRInstructions_2018.pdf
4. All forms shall reflect the inmate's address as PO Box 8908, Pine Bluff, AR 71611 to ensure proper processing of refund checks by the department's Trust Fund Centralized Banking section unless a joint return reflects a non-ADC address belonging to the non-inmate filing the joint return. The unit mailroom shall return any forms not reflecting this address to the inmate for correction. All Federal forms and/or correspondence shall be handled in accordance with IRS instructions.
5. At his/her discretion, the unit Warden/Deputy/Assistant Warden may allow an inmate to send the necessary information to complete a tax return to an individual outside the department. The unit Warden/Deputy/Assistant Warden may also allow the inmate to receive the completed forms for the inmate's signature (i.e., married inmates filing jointly, inmates lacking the ability to complete complicated forms, etc.).
6. In the event a refund check is received by the unit, it will not be deposited into the unit clearing account but forwarded to Trust Fund Centralized Banking.
7. Under no circumstances should an employee of the department contact the Internal Revenue Service or state taxing authority on behalf of an inmate. Inmates attempting to resolve income tax issues should write the IRS at: Department of the Treasury Internal Revenue Service Center, Kansas City, MO 64999-0002, or Internal Revenue Service Fraud Detection Center, Attn: Arkansas Department of Correction Mail Coordinator, 5333 Getwell Road Stop 83, Memphis, TN 38118. Correspondence regarding an Arkansas tax return may be addressed to: Arkansas Income Tax Administration, Ledbetter Building, 1816 W. 7th St., Rm. 2220, Little Rock, AR 72201.

B. Trust Fund Centralized Banking Responsibility

1. Before being credited to the inmate's account or deposited, Trust Fund Centralized Banking will furnish the Internal Revenue Service Tax Examiner's office with the necessary information to determine the validity of the refund check.
2. Trust Fund Centralized Banking will process the tax refund checks that have been approved for deposit by the Internal Revenue Service Tax Examiner. Any tax refund checks requested to be returned by the Internal Revenue Service Tax Examiner will be sent to the Internal Revenue Service by the Trust Fund Centralized Banking.
3. Under no circumstances will the Internal Revenue Service Tax Examiner's name, telephone number, or address be disclosed to an inmate or their family unless required by law.

III. REFERENCES:

AR 109 Funds of Offenders
ACA Inmate Funds

MAX 6/36

IGTT410
3GS

Attachment 1

INMATE NAME: Pinder, Steven L.

ADC #: [REDACTED]

GRIEVANCE #: EAM21-02064

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Pinder, you stated in your grievance that, "On October 8, 2021 I received 2 articles of legal Mail- one from the IRS and one from Wener & Associates; Attorneys- and Ms. Southern in the [REDACTED] Mailroom opened those two(2) pieces of legal mail outside of my presence. When the mail was delivered to me, both pieces had been slit open and retaped. Ms. Southern has done this before. This action is in violation of ADC's privileged correspondence policy which clearly provides that "Legal mail will be opened only in the presence of the inmate." Ms. Southern must be removed from her position as the [REDACTED] mail room supervisor for refusing to adhere to ADC correspondence policy. I seek damages in the amount of \$2500.00 and the removal of Ms. Southern from her position in the [REDACTED] mail room. (note) The Wener letter was sent to me certified mail and was opened by the Ms. Southern."

Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail. She also advised, on 11/19/21 she spoke with you regarding the legal mail you are referring to in this grievance, you failed to provide her with the legal mail to support your allegation. Therefore, I find your grievance without merit.

[Signature]
Signature of Warden/Supervisor or Designee

[Signature]
Title

11/26/21
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? First and foremost ADC's Ad 18 37 "Inmate Correspondence" commands that incoming mail from any governmental agency "is in fact privileged mail and must be opened in the presence of the inmate receiving it. (Ad 18 37). Furthermore, I do not have to prove my case to Ms. Southern who wanted the mail so she could take it up front. I only have to prove my assertions of FACT to a court of law, which will occur. Ms Southern violated ADC's Ad 18-37 by opening my legal mail as well failing to open the mail in my presence. Therefore, I reassess the merits of my grievance and state the warden's response is contrary to ADC's policies and procedures. I stand on the grievance and its merits and seek \$2500.00 in damages.

Steven Pinder

ADC#: [REDACTED] Nov 26, 2021
Date

Sept 29, 2022

Steven Pinder

Arkansas
State Claims Commission

OCT 03 2022

RECEIVED

Ms. Irby
Clerk

Arkansas State Claims Commission
101 East Capitol Ave., STE 410
Little Rock, AR 72201-3823

RE: PINDER v Arkansas Department of Corrections
Claim No: 230260

1. Claimant's Response to Respondent's
Motion to Dismiss.

Ms. Irby

I apologize for the tardiness but Ms. Allison,
Law Library supervisor has been holding the
enclosed response for almost 3 weeks. I
believe it was being intentionally done.

I have received my copies today. Enclosed
are 5 copies of my Response referenced
above. Please after filing, return a
(1)

Copy to me with the markings of the
Commission.

Thank you for your time, assistance
and cooperation in advance.

Respectfully
Steven Riser

cc: fite

Enclosures (5)

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

v No: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS

COMES NOW, Steven Pinder (the "Claimant") here
in after, pro-se, and through this his response
to respondent's motion to dismiss, states as follows:

1. Steven Pinder, "Claimant" did on August 25, 2022
file this complaint against the Arkansas Department
of Correction, Division of Correction's ("ADC") employee
L. Southern for violation of state rules, regulations
and mandates.

2. Claimant wants to make clear this is not
a constitutional violation claim but a clear

complaint that employee L. Southern, of the East Arkansas Regional Unit, and mail room supervisor, did violate Administrative Directive ("AD") 18-37 entitled "Inmate Correspondence."

3. This Inmate Correspondence Policy was effective and put into place on August 9, 2018 and was the state agency's policy regarding inmates' incoming and outgoing correspondence at the time of the alleged violations by employee L. Southern.

4. The ADC policy "Inmate Correspondence," AD 18-37 states:

"It shall be the policy of the Arkansas Department of Corrections to permit inmates to correspond with family, friends, officials and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence."

AD-18-37 (I).

(2)

5. The ADC policy "Inmate Correspondence" AD-18-37 states:

"The definition of Privileged Correspondence is: Incoming or outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities:

- a. Officers of Federal State and local Courts;
- b. Any Federal or State official or Agency;
- c. Any Administrator of the Department of Corrections;
- d. The Parole Board or its staff;
- e. The Board of Corrections or its staff;
- f. The Inmate's Attorney (s); and,
- g. Any Member of the News Media. "

AD-18-37 (III)(3).

6. It is abundantly clear any correspondence from the United States Internal Revenue Service, is deemed Privileged Mail. (AD18-37 (III)(3)(b).

7. The ADC Policy "Inmate Correspondence" AD 18-37 provides:

"Incoming privileged mail will be opened only in the presence of the inmate." (Emphasis added throughout by claimant).

AD-18-37 (iv)(c)(1).

8. The policy of ADC "Inmate Correspondence" AD 18-37 goes further and states:

"Mail opened and inspected under these circumstances will not be read or censored, (emphasis added throughout by claimant) but may be rejected in its entirety if it is found to contain contraband."

AD 18-37 (iv)(c)(1).

9. It is clear it is the policy of ADC to have all privileged mail opened in the presence of the receiving inmate and this mail scanned not read by staff.

10. The Claimant asserts employee L. Southern admits in the step II warden/center Supervisor's Decision of Claimants October 11, 2021 grievance numbered EAM 21-02064 that:

"Ms. Southern, Mailroom Supervisor, advised that mail received from the IRS is not considered legal mail."

11. The respondents employee L. Southern does not know the "Inmate Correspondence Policy" AD-18-37 and it is very clear she is opening and reading inmates privileged IRS mail outside of the presence of the intended inmate in violation of state rules, regulations and mandates.

12. Claimant asserts that such privileged mail as mail from the United States Internal Revenue Service, as in this instant case, contained Social Security number's, tax information, contact information, attorney information and other personal information of claimant.

13. This privileged IRS correspondence left the mail room of the East Arkansas Regional Unit

opened and exposed to any staff member or inmate who may have chosen to read it.

14. The policy of ADC "Inmate Correspondence" AD 18-37 is intended to protect privileged information from unnecessary or unwarranted exposure to staff or other inmates.

15. The Claimant has retained in a safe place the IRS letter as well as the certified letter from Attorney Wener & Associates, certified mail # 7019 0700 0001 7273 1788, received on unit October 8, 2021 and delivered opened to Claimant during regular mail call on October 8, 2021.

16. The very admission of ADC employee L. Southern that IRS mail is not considered privileged demonstrates a lack of knowledge and a disregard of ADC's Inmate Correspondence Policy.

17. This grievance response at Step II by

Warden Richardson and then the response by Deputy Director Stranghn Step III demonstrate the upper tier of the ADC's administration also disregard State rules, regulations and mandates when it comes to Inmate Correspondence, AP 18-37.

WHEREFORE, Steven Pinder requests this Arkansas State Claims Commission deny the Respondents Motion to dismiss, grant the relief of \$ 5,000⁰⁰ sought by Claimant and any other relief this Commission deems appropriate and just.

EXECUTED THIS 29th
day of September 2022.

Respectfully Submitted
Steven Pinder

STEVEN PINDER, Claimant

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on the 29th
day of September 2022, I have served on
the below listed a true copy of my Response to

(7)

Respondent's Motion to dismiss by placing same in the U.S. Mail with sufficient postage affixed to ensure delivery.

MR. Thomas Burns, Attorney
Central office
6814 Princeton Pike
Pine Bluff, AR 71602-9411

Clerk
Arkansas State Claims Commission
101 East Capitol Ave., STE 410
Little Rock, AR 72201-3823

Steven Pinder
STEVEN PINDER

STATE OF ARKANSAS)
COUNTY OF LEE) NO Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary
Public this _____ day of _____ 2022.

My Commission Expires

NOTARY

(B)

Mika Tucker

From: Thomas Burns (DOC)
Sent: Monday, October 10, 2022 11:08 AM
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 0255_001.pdf

Motion to Strike

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION TO STRIKE PLEADINGS

Comes now the Respondent, ADC, by and through their attorney, Thomas Burns, and for their Motions, states:

1. The Inmate has sent a pleading entitled Response to Motion to Dismiss to the Commission and ADC. *See attached Ex. A*

2. The Inmate has failed to comply with Rule 5(b)(2) of the Arkansas Rules of Civil Procedure (ARCP).

3. Pleadings are required to be sent via “regular mail or commercial delivery company and to be accompanied by a certificate of service.

4. The inmate has been using ADC truck mail which is not regular mail or a commercial delivery company, furthermore **he has mislead this Commission on the certificate of service, stated he placed postage and mailed via USPS**, and as such the pleading should be stricken. *Michael Pickens v ADC Claim 190793 (Oct 29, 2019)*.

5. His envelope does not even have a zip code or State affiliation in which the Post Office can read into the area for mailing.

6. Arkansas law is clear that a claimant choosing to represent himself is held to the same standards as an attorney.

7. “Prisoners are not exempt from the principle that everyone is presumed to know the law and is subject to the law whether or not he is actually aware of the

particular law of which he has run afoul.” *Baker v. Norris*, 321 F.3d 769, 772 (8th Cir.2003).

8. The ADC requests that the inmate’s pleadings be stricken as void, ab initio, and that the Inmate’s claim be dismissed as the Commission may do as sanction.

9. This Commission may impose sanctions upon the inmate for failure to follow the rules. The ADC asks that the inmates’ pleadings be stricken and the matter dismissed.

WHEREFORE, Respondent prays that the motions be stricken, for a protective order, and sanctions; for their attorney’s fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,


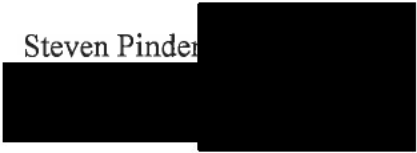


Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

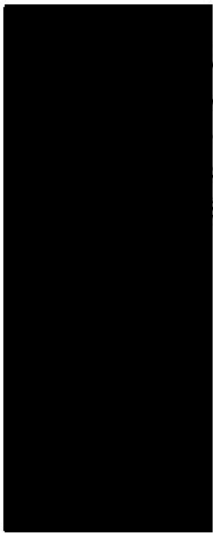
I certify that a copy of this pleading has been served this 10th day of October 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Pinder



Thomas Burns

click



1 Ruck Mail

Mr. Thomas Burns, Attorney

Legal Counsel

6814 Princeton Pike

Central Office

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER
(ADC # [REDACTED])

CLAIMANT

v No. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS

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2. Claimant wants to make clear this is not
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complaint that employee L. Southern, of the [REDACTED] and mail room supervisor, did violate Administrative Directive ("AD") 18-37 entitled "Inmate Correspondence."

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AD-18-37 (F).

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AD 18-37 (IV)(c)(i).

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11. The respondents employee L. Southern does not know the "Inmate Correspondence Policy" AD-18-37 and it is very clear she is opening and reading inmates privileged IRS mail outside of the presence of the intended inmate in violation of state rules, regulations and mandates.

12. Claimant asserts that such privileged mail as mail from the United States Internal Revenue Service, as in this instant case, contained social security number's, tax information, contact information, attorney information and other personal information of claimant.

13. This privileged IRS correspondence left the mail room of the [REDACTED]

opened and exposed to any staff member or inmate who may have chosen to read it.

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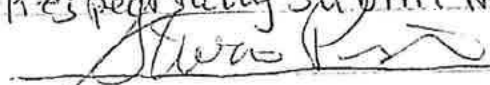
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Warden Richardson and then the response by Deputy Director Straughn Step III demonstrate the upper tier of the ADC's administration also disregard state rules, regulations and mandates when it comes to Inmate Correspondence, AP 18-37.

WHEREFORE, Steven Pinder requests this Arkansas State Claims Commission deny the Respondents Motion to dismiss, grant the relief of \$ 5,000⁰⁰ sought by Claimant and any other relief this Commission deems appropriate and just.

EXECUTED THIS 29th
day of September 2022.

Respectfully Submitted

STEVEN PINDER, Claimant



CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on the 29th
day of September 2022, I have served on
the below listed a true copy of my Response to

Respondent's Motion to dismiss by placing same in the U.S. Mail with sufficient postage affixed to ensure delivery.

MR. Thomas Burns, Attorney
Central office
6814 Princeton Pike
Pine Bluff, AR 71602-9411

Clerk
Arkansas State Claims Commission
101 East Capitol Ave., STE 410
Little Rock, AR 72201-3823


STEVEN PINDER

STATE OF ARKANSAS)
COUNTY OF LEE) No Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public this _____ day of _____ 2022.

My Commission Expires _____

NOTARY

(B)

(Sunday)
October 9, 2022

Steven Pinder

Arkansas
State Claims Commission

OCT 14 2022

RECEIVED

Ms. Irby, Clerk
Arkansas State Claims Commission
101 East Capitol Ave., STE 410
Little Rock, AR 72201-3823

RE: PINDER v ARKANSAS DEPT. OF CORRECTIONS
Claim No 230260
1. Claimant's Response to Respondent's
2nd Motn. to Dismiss

Ms. Irby
Please find enclosed for filing 1 original and 4 hand-written
copies of my Response to Respondent's 2nd Motion to
dismiss. After filing please return one copy to me
with the file markings of the Commission.

The Law Library supervisor has refused to return
my requested copies of legal documents which I
intended to include with this pleading. I
believe she has been instructed to make every
effort to impede my access of this State

(1)

claims commission process so as to cover up the wrong doing of ANC staff, I believe those directions have come from legal counsel for Respondent.

I am preparing to file a motion to hold this matter in abeyance for a short period of time and request this commission to issue some injunctive orders and to conduct an investigation into the submission of falsified documents as evidence by Respondent and legal counsel,

I will have to hand write these copies as well since, even though I pay for every copy I request out of my inmate account at a cost of .05 cents per page, the Respondent and its employee Ms. Allison refuse to make said copies, I will present my pleading this up coming week.

Respect fully
Steven P. ...

cc: file

Enclosures (5)

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

Arkansas
State Claims Commission

OCT 14 2022

v

NO: 230 260

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS (2)

COMES Now, Steven Pinder (the "Claimant") here in
after, prose, and through this his response to
Respondent's Motion to dismiss (2), states as follows:

1. Claimant is an inmate housed in the Arkansas Dept.
of Corrections' ("ADC") [REDACTED] at
Marionna, Ar 72360.

2. Claimant wants this Arkansas State Claims Commission
(the "Commission") to be aware that legal counsel and
for the Respondent, Mr. Thomas Burns, has submitted
false pleadings and evidence to this Commission.

3. At the time of the alleged incidents, October 2021, Administrative Directive ("AD") 18-37 entitled "Inmate Correspondence" was in place at that time. This policy was effective August 9, 2018.

4. The legal counsel has presented in its Motion to Dismiss, Respondent's Exhibit "A" and alleged "Inmate Correspondence" Policy changed in an attempt to deceive this Commission. The legal counsel has presented this document with an effective date of March 29, 2021 when in fact ADC did not update the Inmate Correspondence Policy before December 1, 2021. (See Claimant's Exhibit "A" attached hereto at page 6 and page 1).

5. The legal counsel has also presented alleged statements that this claimant was talking about opening a check, but he again has attempted to deceive this Commission. The letter (1) in question had a reply reference no: 09371 85208, Oct 8, 2021 LTR 96C 0 SSN# (omitted by claimant) 20201230 Input OP 09371 85208 0000 4674 BOCC:WI (claimant will present the lawyer letter from Weiner & Associates and also

the Internal Revenue Service letters (plural) and envelopes that were improperly opened by ADC employee L. Southern by seal and by request of this Commission).

6. All letters opened by employee L. Southern were clearly marked as "OFFICIAL BUSINESS" and "ATTORNEY" and were letters of a confidential nature, not some checks as suggested by legal counsel and respondent.

7. Claimant has alleged the mail was opened and read outside of his presence, sent to him through the regular mail system, exposing all of his personal information to other staff and inmates as well.

8. Claimant cannot check to determine whether his SSN # or tax information, bank account or whether an attack has been initiated on his credit, but, this exposure by ADC and its employee L. Southern was avoidable had the employee adhered to ADC's Inmate Correspondence Policy AD 18-37 in effect at the time of these incidents. That was the direct reason for the policy

to protect the inmates personal information from exposure, even identity theft.

9. Because Respondent has presented false evidence to this Commission and attempted to deceive this Commission and has in fact lied in their pleading in an attempt to cover up their wrong doing, Claimant requests this Commission grant Claimant the \$ 5,000⁰⁰ relief sought by claimant and add additional relief for punitive damages due to this incredulous activity of Respondent.

WHEREFORE, Steven Pinder requests this Arkansas State Claims Commission to grant Claimant \$ 5,000⁰⁰ in damages, deny Respondent's Motion to Dismiss, and sanction Respondent for intentionally filing deceptive and false pleadings, lying to this Commission and any other relief this Commission can conceive that is just.

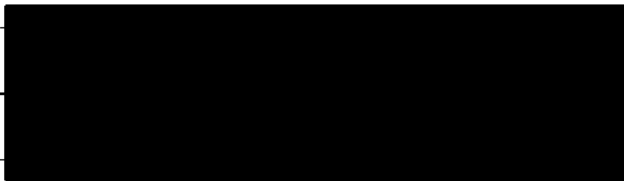
EXECUTED THIS 9th
day of October 2022.

Respectfully submitted
Steven Pinder

STEVEN PINDER, Claimant

[REDACTED]

(4)



STATE OF ARKANSAS)
COUNTY OF LEE) NO Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a
Notary Public this _____ day of _____ 2022

My Commission Expires _____ NOTARY

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 9th
day of October 2022, I have served on Respondent
a true copy of my response to Respondent's
2nd Motion to dismiss through Attorney Thomas
Burns, Legal Counsel, at 6814 Princeton Pike, Pine Bluff,
AR, 71602 by placing same in the U.S. Mail
with sufficient postage affixed to ensure delivery.

Steven Pinder
STEVEN PINDER

OCT 19 2022

RECEIVED

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

v

NO : 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT

DIVISION OF CORRECTIONS

MOTION BY CLAIMANT FOR
IMMEDIATE INJUNCTION

COMES NOW, Steven Pinder, (the "Claimant") here in
after, pro-se, and through this his motion for
immediate injunction, states as follows:

1. That Steven Pinder ("Claimant") did on August
25, 2022 file this small claims complaint with
this Arkansas State Claims Commission (the "Commission")
alleging a violation of Administrative Directive ("AD")
18-37 entitled "Inmate Correspondence" signed
by Wendy Kelley (the then Director of ADC) with an effective
date of August 9, 2018 and was the Inmate
Correspondence Policy in effect at the time of the

incidents alleged by claimant. ①

2. Claimant asserts that during the current pending complaint as well as the other afore listed claims, he has experienced a delay of delivery of his incoming legal mail from the [REDACTED] unit Mail Room. ②

3. Claimant's legal mail has been held by the [REDACTED] [REDACTED] unit mailroom for two (2) days to as many as fourteen (14) days after delivery before delivery to claimant.

4. The claimant asserts that during these pending proceedings he has experienced a delay and or refusal by the [REDACTED] [REDACTED] unit ("EARU") law Library supervisor MRS. Allison, to make and return copies of legal documents requested by complainant or claimant.

1. Claimant has two (2) other complaints pending before this Commission:

A. Pinder v Division of Corrections, claim No. 220 456

B. Pinder v Division of Corrections, claim NO 220 691

2. The Mailroom Supervisor is core to all three (3) complaints.

5. Claimant has paid or been paying 0.05 cents per page for each copy of legal documents requested to be made or made by the law Library, when copies were made.

6. The delay in making copies has been from ten (10) days to as long as three (3) weeks, and at present, they are refusing to make copies of pleadings and evidence. (3)

7. Claimant asserts that he has experienced a delay and refusal by ADC staff, especially Sgt Williams, Sgt King, Sgt Graham, Sgt Jackson and Lt. Barnett to signing of outgoing legal mail which is required by ADC policy.

8. Claimant asserts that Respondent has refused to comply with the Rules of discovery in accordance with Federal Rules of Civil

3. Claimant submitted to Mrs. Allison an updated list of All administrative Directives, updated 7/1/22 and Mrs Allison has either destroyed claimant's evidence or refused copies.

Procedure Rule 33 & 34⁽⁴⁾.

9. Claimant has filed a Motion for Summary Judgment in claim No 220456 and 220691. Respondent did not comply with the federal rules of civil procedure in responding to the Motion for Summary Judgment in claim 220691 and did not respond at all as in claim 220456.

10. Claimant asserts that it is his firm belief that all of the afore asserted actions of misconduct by Respondent, its staff and its legal counsel are intentionally being done in an effort to interfere and or impede claimant from full and meaningful access to this Commission.

11. Claimant seeks this Commission to:

WHEREFORE, Claimant seeks that this Commission:

4. see claim No 220456 and claim No 220691.

A. Initiate an investigation into the Respondent's staff, and its legal counsel's intentional acts to interfere and impede claimant from access to, and meaningful access of this Commission; and,

B. Issue a ORDER to Respondent's Director Dexter Payne, to:

1. Command its staff to:

A. Stop delaying in making copies of claimant's legal documents; and,

B. Stop delaying in signing of claimant's outgoing legal mail; and,

C. Stop impeding or interfering with claimant's incoming and outgoing legal mail; and,

C. Issue an ORDER to respondent's legal Counsel that he will be sanctioned for bad faith actions in these proceedings; and,

D. Issue an ORDER to the Governor of the State of Arkansas to initiate an investigation into the allegations contained here in by claimant; and,

OCT 19 2022

F. Hold hearings to determine the merits
contained here in; and,

RECEIVED

F. Because of the bad faith actions of
Respondent in all pending complaints,
claim no 220456; and claim no 220691;
and this complaint no 230260 this
Commission grant Claimant the relief
he seeks in each separate complaint; and

any other relief this Commission deems
appropriate and just.

EXECUTED THIS 10th
day of October 2022

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant

VERIFICATION

I, Steven Pinder do hereby certify that the foregoing
is true and correct and sign this under penalty
of perjury pursuant to 28 USC § 1746.

Steven Pinder
STEVEN PINDER 2022

(6)

STATE OF ARKANSAS)
COUNTY OF LEE)

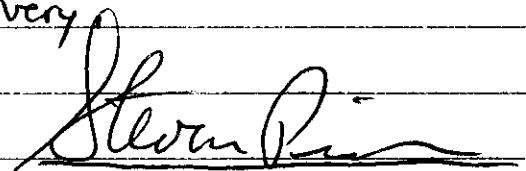
No Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a
Notary Public this _____ day of _____ 2022.

My Commission Expires: Notary

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this _____
day of _____ 2022 I have served on the
Respondent through Legal Counsel Mr Thomas
Burns, at 6814 Princeton Pkce, Pine Bluff, AR 72106
a true copy of my Motion for immediate injunction
by placing same in the U.S. Mail with sufficient
postage affixed to ensure delivery.


STEVEN PINDER

Mika Tucker

From: Thomas Burns (DOC)
Sent: Friday, October 21, 2022 11:04 AM
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 0454_001.pdf; 0453_001.pdf

Motion for Sanctions and Motion to Strike

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

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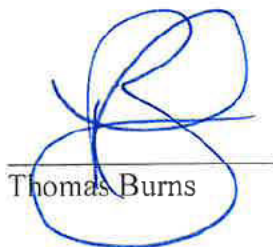


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Legal Department
Division of Correction
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Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 21st day of October 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Pinder ([REDACTED])
[REDACTED]



Thomas Burns

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER
(ADC # [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS (2)

COMES NOW, Steven Pinder (the "Claimant") here in
after, prose, and through this his response to
Respondent's motion to dismiss, (2) states as follows:

1. Claimant is an inmate housed in the Arkansas Dept.
of Corrections (ADC) [REDACTED] at
[REDACTED]

2. Claimant wants this Arkansas State Claims Commission
(the "Commission") to be aware that legal counsel and
for the Respondent, Mr. Thomas Burns has submitted
false pleadings and evidence to this Commission.

(1)

746XA

3. At the time of the alleged incidents, October 2021, Administrative Directive ("AD") 18-37 entitled "Inmate Correspondence" was in place at that time. This policy was effective August 9, 2018.

4. The legal counsel has presented in its Motion to Dismiss, Respondent's Exhibit "A" an alleged "Inmate Correspondence" policy changed in an attempt to deceive this Commission. The legal counsel has presented this document with an effective date of March 29, 2021 when in fact ADC did not update the Inmate Correspondence Policy before December 1, 2021 (see claimant's Exhibit "A" attached hereto at page 6 and page 1).

5. The legal counsel has also presented alleged statements that this claimant was talking about opening a check, but he again has attempted to deceive this Commission. The letter (1) in question had a reply reference no's 09371 85208, Oct 8, 2021. LTR 96C 0
SSN# (omitted by claimant) 20201230
Input of 09371 85208 0000 4674
Boc: wif (claimant will present the lawyer letter from Weiner and Associates and also
(2)

the Internal Revenue Service letters (plural) and envelopes that were improperly opened by ADC employee L. Southern by seal and by request of this (Commissioner).

6. All letters opened by employee L. Southern were clearly marked as "OFFICIAL BUSINESS" and "ATTORNEY" and were letters of a confidential nature, not some check as suggested by legal counsel and respondent.

7. Claimant has alleged the mail was opened and read outside of his presence, sent to him through regular mail system, exposing all of his personal information to other staff and inmates as well.

8. Claimant cannot check to determine whether his SSN or tax information, bank account or whether an attack has been initiated on his credit but this exposure by ADC and its employee L. Southern was avoidable had the employee adhered to ADC's Inmate Correspondence Policy AD 18-37 in effect at the time of these incidents.

That was the direct reason for the policy

(3)

to protect the inmates personal information from exposure, even identify theft.

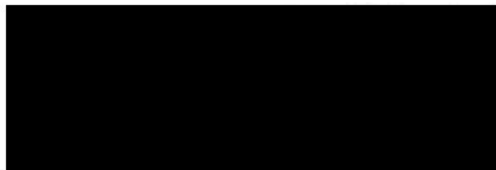
9. Because Respondent has presented false evidence to the Commission and attempted to deceive this Commission and has in fact lied in their pleading, in an attempt to cover up their wrong doing, Claimant requests this Commission grant claimant the \$ 5,000⁰⁰ relief sought by claimant and add additional relief for punitive damages, due to this incredulous activity of Respondent.

WHEREFORE, Steven Pinder requests that Arkansas State Claims Commission to grant Claimant \$ 5,000⁰⁰ in damages, deny Respondent's Motion to Dismiss and sanction Respondent for intentionally filing deceptive and false pleadings, Lying, to this Commission and any other relief this Commission can conceive that is just.

EXECUTED THIS 9th
day of October 2022,

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant
[REDACTED]

(4)



STATE OF ARKANSAS)
COUNTY OF LEBLANC)

No Notary Available

SUBSCRIBER AND SWORN TO BEFORE ME a
Notary Public this _____ day of _____ 2022.

My Commission Expires: Notary

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 9th
day of October 2022, I have served on Respondent
a true copy of my response to Respondent's
2nd Motion to dismiss through Attorney Thomas
Burns, Legal Counsel, 6814 Princeton Pike, Pine Bluff,
AR, 71602 by placing same in the US Mail
with sufficient postage affixed to ensure delivery.

Steven Pinder
STEVEN PINDER

(5)

S. Pindler



TRUCK MAIL

Attorney Thomas Burns
Legal Counsel ADG
Central Office

Legal Mail

10/9/22

STEVEN PINDER



RECEIVED
2537
OCT 11 2022

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

MR. T. BURRIS, Attorney
Legal Counsel
6814 Princeton Pike
Pine Bluff, AR 72106

RE: Pinder v. Division of Corrections
Claim no. 230260

Sir:
For your convenience is enclosed my
recent pleading.

Cordially

Steve

cc file

Enclosure (1)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC# [REDACTED])

CLAIMANT

v.

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR SANCTIONS

Comes now the Respondent, Division of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On or about October 9, 2022 the INMATE SENT A PLEADING to the ADC. *See attached Ex A.*

2. The inmate again, this is the third time, sent this pleading via truck mail. *Id.*

3. The inmate keeps claiming on his certificate of service he sends the pleadings via US Mail, unbeknownst to him that the ADC keeps the envelopes too. *Id.*

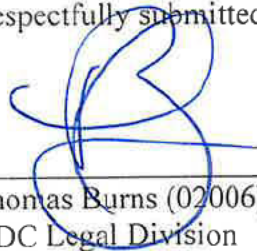
4. Due to the failure of the Inmate to follow the proper rules of civil procedure (ARCP) the ADC is being prejudiced by not being allowed to respond and refute the Inmates averments and documents.

5. The ADC would request that the Commission strike the Inmates claim and dismiss the matter for failure to follow the ARCP. The Inmate is deliberately misleading the Commission and made it so the ADC could not respond to get his desired result.

6. Rule 11 provides that the Court can impose sanctions if the pleading, motion, or other paper is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; which we clearly have here.

WHEREFORE, the ADC prays for sanctions against Carl Jackson; for his complaint to be dismissed; for attorney's fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



Thomas Burns (02006)
ADC Legal Division
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 21st day of October 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Steven Pinder (ADC# [REDACTED])
[REDACTED]



Thomas Burns

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER
(ADC # [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS (2)

COMES NOW, Steven Pinder (the "Claimant") here in
after, pro se, and through this his response to
Respondent's motion to dismiss, (2) states as follows:

1. Claimant is an inmate housed in the Arkansas Dept.
of Corrections (ADC) [REDACTED] at
Marianna, AR, 72360

2. Claimant wants this Arkansas State Claims Commission
(the "Commission") to be aware that legal counsel and
for the Respondent, Mr. Thomas Burns has submitted
false pleadings and evidence to this Commission.

(1)

836XA

3. At the time of the alleged incidents, October 2021, Administrative Directive ("AD") 18-37 entitled "Inmate Correspondence" was in place at that time. This policy was effective August 9, 2018.

4. The legal counsel has presented in its Motion to Dismiss, Respondent's Exhibit "A" an alleged "Inmate Correspondence" policy changed in an attempt to deceive this Commission. The legal counsel has presented this document with an effective date of March 29, 2021 when in fact ADC did not update the Inmate Correspondence Policy before December 1, 2021 (see claimant's Exhibit "A" attached hereto at page 6 and page 1).

5. The legal counsel has also presented alleged statements that this claimant was talking about opening a check, but he again has attempted to deceive this Commission. The letter (1) in question had a reply reference no's 09371 85208, Oct 8, 2021. LTR 96C 0
SSN# (omitted by claimant) 20201230
Input of 09371 85208 0000 4674
Boc: wif (claimant will present the lawyer letter from Weiner and Associates and also
(2)

the Internal Revenue Service letters (plural) and envelopes that were improperly opened by ADC employee L. Southern by seal and by request of this Commissioner.

6. All letters opened by employee L. Southern were clearly marked as "OFFICIAL BUSINESS" and "ATTORNEY" and were letters of a confidential nature, not some check as suggested by legal counsel and respondent.

7. Claimant has alleged the mail was opened and read outside of his presence, sent to him through regular mail system, exposing all of his personal information to other staff and inmates as well.

8. Claimant cannot check to determine whether his SSN or tax information, bank account or whether an attack has been initiated on his credit but this exposure by ADC and its employee L. Southern was avoidable had the employee adhered to ADC's Inmate Correspondence Policy AD 18-37 in effect at the time of these incidents.

That was the direct reason for the policy

(3)

to protect the inmates personal information from exposure, even identify that.

9. Because Respondent has presented false evidence to the Commission and attempted to deceive this Commission and has in fact Lied in their pleading, in an attempt to cover up their wrong doing, Claimant requests this Commission grant claimant the \$ 5,000⁰⁰ relief sought by claimant and add additional relief for punitive damages, due to this incredible activity of Respondent.

WHEREFORE, Steven Pinder requests that Arkansas State Claims Commission to grant Claimant \$ 5,000⁰⁰ in damages, deny Respondent's Motion to Dismiss and sanction Respondent for intentionally filing deceptive and false pleadings, lying, to this Commission and any other relief this Commission can conceive that is just.

EXECUTED THIS 7th
day of October 2022,

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant
[REDACTED]

(4)



STATE OF ARKANSAS)
COUNTY OF LEB)

No Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME a
Notary Public this _____ day of _____ 2022.

My Commission Expires:

Notary

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 9th
day of October 2022, I have served on Respondent
a true copy of my response to Respondent's
2nd Motion to dismiss through Attorney Thomas
Burns, Legal Counsel, 6814 Princeton Pike, Pine Bluff,
Ar., 71602 by placing same in the US Mail
with sufficient postage affixed to ensure delivery.

Steven Pinder
STEVEN PINDER

(5)

S. Pindler



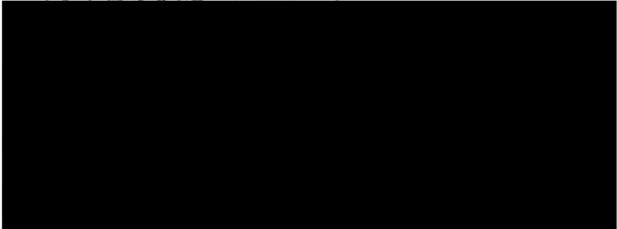
TRUCK MAIL

Attorney Thomas Burns
Legal Counsel ADC
Central Office

Legal Mail

10/9/22

STEVEN Pinder



RECEIVED
2537
OCT 11 2022

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

MR. T. Burns, Attorney
Legal Counsel
6814 Princeton Pike
Pine Bluff, Ar. 72106

RE: Pinder v Division of Corrections
Claim no 230260

Sir:

For your convenience is enclosed my
recent pleading.

Cordially

Steve

cc file

Enclosure (1)

October 17, 2022

STEVEN PINDER

Arkansas
State Claims Commission

OCT 21 2022

RECEIVED

Ms. Irby, Clerk
Arkansas State Claims Commission
101 East Capitol Avenue, STE 410
Little Rock, AR 72201-3823

RE: PINDER v DIVISION OF CORRECTIONS
Claim NO 230260

1. Claimant's Response to Respondent's
Motion to Strike and 3RD Motion to Dismiss.

Ms. Irby

Please find enclosed 5 handwritten original copies of
my Response to Respondent's Motion to strike and 3RD Motion
to dismiss for filing in the above referenced claim.
After filing please return to me a file marked copy.

Thank You
Respectfully Submitted
Steven Pinder

cc: file

Enclosures (5)

OCT 21 2022

RECEIVED

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER
(AOC # [REDACTED])

CLAIMANT

v

NO: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS,
DIVISION OF CORRECTIONS

RESPONDENT

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO STRIKE
AND 3RD MOTION TO DISMISS

COMES NOW, Steven Pinder ("Claimant") here in
after, pro-se, and through this his response to
respondent's motion to strike and 3RD motion to
dismiss, states as follows:

1. Claimant Steven Pinder is an indigent inmate
incarcerated in the Arkansas Department of Corrections,
Division of Corrections ("AOC") and has filed several
claims against respondent for violation of
state rules, regulations and mandates.

2. Claimant asserts there are two (2) additional claims pending before the Commission. ①

3. Claimant asserts that this Arkansas State Claims Commission ("Commission") should deny the Respondent's Motion to Strike and Motion to Dismiss (third motion to dismiss) because claimant has utilized the same mail service that Respondent uses to serve its pleadings on claimant, ADC's truck mail system.

4. Claimant further asserts that service has been made on Respondent through legal counsel and it is abundantly clear because the legal counsel has submitted with his Motion to Strike with highlights all over it a copy. Respondent has been served a copy of all of claimant's pleadings and it is evident by the attachment he has presented

1. a. Pinder v Division of Corrections, Claim no: 220 456
- b. Pinder v Division of Corrections, Claim no: 220 691

there with, ~~the~~ this claim is moot.

5. It is abundantly clear that counsel for Respondent is again attempting to proceed in bad faith and deceive this Commission.

6. Respondent is truly and desperately attempting to circumvent the liability by filing false pleadings, false documentation, and lying to this Commission, and **BOLD FACE** Lying. This Commission must see the Respondent and its legal counsel as bad faith defendants who will attempt to any deception to evade the liability of violating Arkansas' rules, regulations and mandates.

7. No one on claimant's side is attempting to deceive anyone, its the Respondent and its legal counsel who are proceeding prevaricatorially in these proceedings. (see deceitfully, dishonestly - or unfaithfully.)

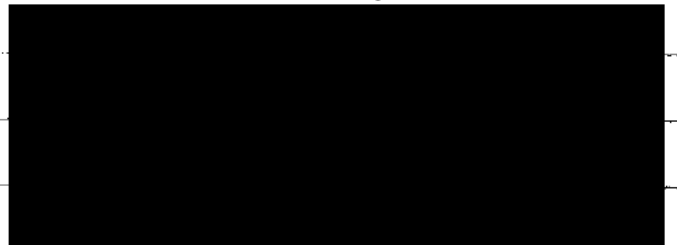
WHEREFORE, Steven Pinder requests this Arkansas State Claims Commission to deny as moot

Respondents Motion to strike, deny Respondents' Motion to dismiss (3RD such Motion), sanction Respondent for abuse for repeatedly filing these motions to dismiss, and grant claimant the \$5,000.⁰⁰ relief he seeks for the Respondents' opening of privileged mail, reading of claimant's privileged mail outside of his presence and any other relief this Commission deems appropriate.

EXECUTED THIS _____
day of _____ 2022

Respectfully submitted

STEVEN PINDER, Claimant



~~CERTIFICATE OF SUB~~

STATE OF ARKANSAS)
COUNTY OF LEE)

SUBSCRIBED AND SWORN TO BEFORE ME, a
Notary Public this _____ day of _____ 2022.

My Commission Expires: _____ Notary

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this _____ day of _____ 2022 I have served on Respondent a true copy of my Response to Respondent's Motion to Strike and Motion to Dismiss through legal counsel Mr. Thomas Burns at 6814 Princeton Pike, Pine Bluff, AR 72106 by placing same in the ADC truck mail system and a copy in the US Mail with sufficient postage affixed to ensure delivery.

STEVEN PINDER

Mika Tucker

From: Thomas Burns (DOC)
Sent: Monday, November 7, 2022 2:12 PM
To: ASCC Pleadings; Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 0793_001.pdf; 0794_001.pdf

Motions to Strike and Sanctions

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

v

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION TO STRIKE PLEADINGS

Comes now the Respondent, ADC, by and through their attorney, Thomas Burns, and for their Motions, states:

1. The Inmate has sent a pleadings entitled Claimant response to motion to strike and 3rd motion to dismiss and motion for immediate injunction allegedly to the Commission and ADC. *See attached Ex. A*
2. The Inmate has failed to comply with Rule 5(b)(2) of the Arkansas Rules of Civil Procedure (ARCP).
3. Pleadings are required to be sent via “regular mail or commercial delivery company and to be accompanied by a certificate of service.”
4. The inmate has been using ADC truck mail which is not regular mail or a commercial delivery company. *Michael Pickens v ADC Claim 190793 (Oct 29, 2019)*. Furthermore, he is claiming to send via US Postal Service with sufficient postage, but he has not.
5. Arkansas law is clear that a claimant choosing to represent himself is held to the same standards as an attorney.
6. “Prisoners are not exempt from the principle that everyone is presumed to know the law and is subject to the law whether or not he is actually aware of the

particular law of which he has run afoul.” *Baker v. Norris*, 321 F.3d 769, 772 (8th Cir.2003).

7. The ADC requests that the inmate’s pleadings be stricken as void, ab initio, and that the Inmate’s claim be dismissed as the Commission may do as sanction.

8. This Commission may impose sanctions upon the inmate for failure to follow the rules. The ADC asks that the inmates’ pleadings be stricken and the matter dismissed.

9. This inmate knows he cannot use “Truck Mail” since this is the third motion for this exact sanction with quoted law and rules.

WHEREFORE, Respondent prays that the motions be stricken, for a protective order, and sanctions; 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 Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 7th day of October 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Pinder ([REDACTED]
[REDACTED]



Thomas Burns

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

v

NO: 230240

ARKANSAS DEPARTMENT OF CORRECTIONS,

DIVISION OF CORRECTIONS

RESPONDENT

CLAIMANT'S RESPONSE TO
RESPONDENT'S MOTION TO STRIKE
AND 3RD MOTION TO DISMISS

Comes now, Steven Pinder ("Claimant") herein
after, pro-se, and through this his response to
respondent's motion to strike and 3RD Motion to
dismiss, states as follows:

1. Claimant Steven Pinder is an indigent inmate
incarcerated in the Arkansas Department of Corrections,
Division of Corrections ("ADC") and has filed several
claims against respondent for violation of
state rules, regulations and mandates.

(1)

2. Claimant asserts there are two (2) additional claims pending before this Commission. ①

3. Claimant asserts that this Arkansas state claims Commission (Commission) should deny the Respondent's Motion to Strike and Motion to dismiss (third Motion to dismiss) because claimant has utilized the same mail service that Respondent uses to serve its pleadings on claimant, ADE's truck mail system.

4. Claimant further asserts that service has been made on Respondent through legal counsel and it is abundantly clear because the legal counsel has submitted with his Motion to strike with highlights all over it a copy. Respondent has been served a copy of all of claimant's pleadings and it is evident by the attachment he has presented

1. a. Pinder v Division of Corrections, Claim No: 220 456

b. Pinder v Division of Corrections, Claim No: 220 691

(2)

there with, his claim is moot.

5. It is abundantly clear that counsel for Respondent is again attempting to proceed in bad faith and deceive this Commission.

6. Respondent is truly and desperately attempting to circumvent the liability by filing false pleadings, false documentation, and lying to this Commission, and BOLD FACE lying. This Commission must see the Respondent and its legal counsel as bad faith defendants who will attempt to any deception to evade the liability of violating Arkansas' rules, regulations, and mandates.

7. No one on claimant's side is attempting to deceive anyone, its the Respondent and its legal counsel who are proceeding prevaricatonally in these proceedings. (see deceitfully, dishonestly or unfaithfully.)

WHEREFORE, Steven Pinder requests this Arkansas State Claims Commission to deny as moot

(3)

Respondent's Motion to Strike, deny Respondent's Motion to dismiss (3RD such Motion), sanction Respondent for abuse for repeatedly filing these motions to dismiss, and grant Claimant the \$ 5,000⁰⁰ relief he seeks for the Respondent's opening of privileged mail and reading of Claimant's privileged mail outside of his presence and any other relief this Commission deems appropriate.

EXECUTED THIS _____
day of _____ 2022

Respectfully submitted

STEVEN PINDER, Claimant



STATE OF ARKANSAS)
COUNTY OF LEE)

SUBSCRIBED AND SWORN TO BEFORE ME, a
Notary Public this _____ day of _____ 2022

My Commission Expires:

NOTARY

(4)

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this _____ day of _____ 2022 I have served on Respondent a true copy of my Response to Respondents Motion to strike and motion to dismiss through legal counsel Mr. Thomas Burns at 6814 Princeton Pike, Pine Bluff, AZ 72106, by placing same in the APC truck mail system and a copy in the US Mail with sufficient postage affixed to ensure delivery.

STEVEN PINDER

(5)

Steven Binder



TRUCK MAIL

Mr. Thomas Burns, Attorney
Legal Counsel
6814 Princeton Pike
Pike Bluff
Central office

LEGAL MAIL

October 17, 2022

Steven Pinder



RECEIVED

2573
OCT 20 2022

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

MR. Burns, Attorney
Legal Counsel
614 Princeton Pike
Pine Bluff AR 72106

Central Office

RE: Pinder v Division of Corrections
NO: 230260

SIR

For your convenience.

Respectfully

Steven Pinder

cc: file

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

No. 230260

v

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

MOTION BY CLAIMANT FOR
IMMEDIATE INJUNCTION

COMES NOW, Steven Pinder, (the "Claimant") here in
after, pro se, and through this his Motion for
immediate injunction, states as follows:

1. That Steven Pinder ("Claimant") did on August
25, 2022 file this small claims complaint with
this Arkansas State Claims Commission (the "Commission")
alleging a violation of Administrative Directive ("AD")
18-37 entitled "Inmate Correspondence" signed
by Wendy Kelley (the Director of ADC) with an effective
date of August 9, 2018 and was the Inmate
Correspondence Policy in effect at the time of the

(1)

incidents alleged by claimant. ①

2. Claimant asserts that during the current pending complaint as well as the other above listed claims, he has experienced a delay of delivery of his ⁱⁿ⁻coming legal mail from the [REDACTED] unit mail room. ②

3. Claimant's legal mail has been held by the [REDACTED] unit mail room for two (2) days to as many as fourteen (14) days after delivery before delivery to claimant.

4. The claimant asserts that during these pending proceedings he has experienced a delay or refusal by the [REDACTED] law library supervisor MS. Allison to make and return copies of legal documents requested by claimant or claimant.

1. Claimant has two (2) other complaints pending before this Commission.

A. Pinder v Division of Corrections, claim NO: 220 456

B. Pinder v Division of Corrections, claim NO: 220 691

2. The mail room Supervisor is core to all three (3) complaints.

(2)

5. Claimant has paid or been paying 0.05 cents per page for each copy of legal documents requested to be made or made by the law library, when copies were made.

6. The delay in making copies has been from ten (10) days to as long as three (3) weeks, and at present, they are refusing to make copies of pleadings and evidence. (3)

7. Claimant asserts that he has experienced a delay and refusal by AOC staff, especially Sgt. Williams, Sgt. King, Sgt. Graham, Sgt. Jackson and Lt. Barnett to signing outgoing legal mail which is required by AOC policy.

8. Claimant asserts that Respondent has refused to comply with the rules of discovery in accordance with Federal Rules of Civil

3. Claimant submitted to Ms. Allison a updated list of All administrative Directives, updated 7/1/22 and Ms. Allison has either destroyed claimant's evidence or refused copies.

(3)

Procedure Rule 33 & 34 (4)

9. Claimant has filed a Motion for Summary Judgment in Claim No. 220456 and 220691. Respondent did not comply with the Federal rules of civil procedure in responding to the Motion for Summary Judgment in 220691 or did not respond at all as in 220456.

10. Claimant asserts that it is his firm belief that all of the afore asserted actions of misconduct by Respondent, its staff and its legal counsel, are intentionally being done in an effort to interfere and/or impede claimant from full and meaning access to this Commission.

11. Claimant seeks this Commission to:

WHEREFORE, Claimant seeks that this Commission:

4. See Claim No 220456 and 220691

(4)

A. Initiate an investigation into the Respondent's, its staff, and its legal counsel's intentional acts to interfere and impede claimant from access to, and meaningful access of this Commission; and,

B. Issue an ORDER to Respondent's Director Dexter Payne, to:

1. Command its staff to:

A. Stop delaying in Making copies of claimant's legal documents; and,

B. Stop delaying in signing of claimant's outgoing legal mail; and,

C. Stop impeding or interfering with claimant's incoming and outgoing legal mail; and

C. Issue an ORDER to Respondent's legal Counsel that he will be sanctioned for bad faith actions in this proceedings; and

D. Issue an ORDER to the Governor of the State of Arkansas to initiate an investigation into the allegations contained herein by claimant; and,

(5)

E. Hold hearings to determine the merits
Contained herein; and,

F. Because of the bad faith actions of
Respondent in all pending complaints
claim no 220456; and, claim no: 220691;
and this complaint no 230260, this
Commission grant Claimant the relief
he seeks in each separate complaint; and

any other relief this Commission deems
appropriate and just.

Executed this 10th
day of October 2022

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant

VERIFICATION

I, Steven Pinder do hereby certify that the foregoing
is true and correct and sign this under penalty
of perjury pursuant to 28 U.S.C. § 1746.

(6) Steven Pinder
STEVEN PINDER

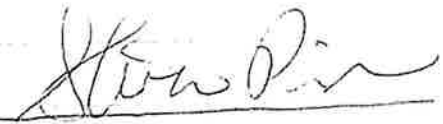
STATE OF ARKANSAS)
COUNTY OF LEE) No Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a
Notary Public this _____ day of _____ 2022

My Commission Expires: _____ Notary

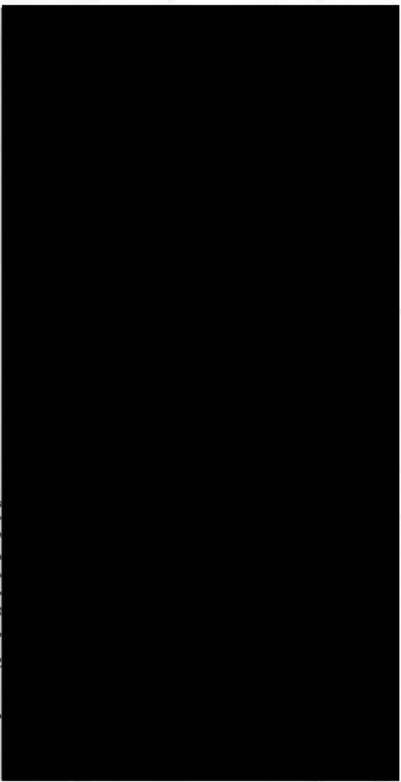
CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 11th
day of October 2022 I have served on the
Respondent through legal counsel MR Thomas
Burns, at 6814 Princeton Pike, Pine Bluff, Ar 72106.
a true copy of my Motion for immediate injunction
by placing same in the U.S. Mail with sufficient
postage affixed to ensure delivery.



STEVEN PINDER

5 Pinder



LEGAL MAIL



MR. Thomas Burns, Attorney
LEGAL DEPARTMENT
CENTRAL OFFICE

LEGAL MAIL

Steven Pinder



October 11, 2022
2580

RECEIVED

OCT 20 2022

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

Mr. Burns, Attorney
Legal Counsel
6814 Princeton Pike
Pine Bluff, Ar 72106

Re Pinder v Division of Corrections
Claim NO 230260

1. Motion for immediate injunctive.

Mr. Burns

For your convenience a copy of my motion is enclosed.

Something has to be done to stop this impeding and interfering.

Cordially
Steven Pinder

cc: Cole

Enclosure (1)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC# [REDACTED])

CLAIMANT

v.

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR SANCTIONS

Comes now the Respondent, Division of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. This inmate continues to use “truck mail” despite three (3) motions to strike.
2. All the Motions to strike list the rule and law on why “truck mail” is not to be used.
3. Despite this the inmate fails and refuses to follow the law and rules making dismissal appropriate.
4. The inmate is held to the same standard as a licensed attorney.
5. Due to the failure of the Inmate to follow the proper rules of civil procedure (ARCP) the ADC is being prejudiced by not being allowed to respond and refute the Inmates averments and documents.
6. The ADC would request that the Commission strike the Inmates claim and dismiss the matter for failure to follow the ARCP. The Inmate is deliberately misleading the Commission and made it so the ADC could not respond to get his desired result.
7. Rule 11 provides that the Court can impose sanctions if the pleading, motion, or other paper is not interposed for any improper purpose, such as to harass,

cause unnecessary delay, or needlessly increase the cost of litigation; which we clearly have here.

WHEREFORE, the ADC prays for sanctions against Carl Jackson; for his complaint to be dismissed; for attorney's fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



Thomas Burns (02006)
ADC Legal Division
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 7th day of October 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Steven Pinder (ADC# [REDACTED])
[REDACTED]



Thomas Burns

November 14, 2022

STEVEN PINDER



Arkansas
State Claims Commission

NOV 18 2022

RECEIVED

Check

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

RE: PINDER v Division of Corrections
Claim NO: 230260

1. Claimant's Response to Respondent's
October 21, 2022 Motion for Sanctions
and Motion to Strike (5 copies)
2. Copy of letter to Respondent Counsel (1)

Ms. Irby

Please find enclosed my pleadings referenced above.
5 handwritten copies are enclosed. After filing, please
return to me one copy with the file markings
of the Commission.

Also, this Commission must take note of the

(1)

andres of the attorney MR. Burns for Respondent and ADC. They allege the documents were mailed on October 21, 2022 but they were not received on the unit until Nov 12, 2022 and delivered to me on November 13, 2022. This is not the first time the attorney for ADC has done this. He is attempting to play this Commission as fools. Please make this Commission ~~is~~ aware of the antics of MR. Burns.

Thank you

Respectfully

Stuart P. P. P.

cc: fhe
enclosures (6)

NOTE! Copy 1 and copy 2 are the only pleadings I had copies of Exhibit "A"

NOTE #2: Also enclosed is a copy of my letter to MR. Burns which accompanied my responsive pleading.

NOV 18 2022

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(Add # [REDACTED])

v

NO: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE
TO RESPONDENT'S MOTION FOR
SANCTIONS (2) and MOTION TO STRIKE (2)

COMES NOW, Steven Pinder, ("Claimant") here in after,
prose, and through this his response to Respondent's
Motion for Sanctions number (2) and Motion to Strike
number (2), States as follows:

1. Claimant must first make this Commission aware
that on today's date November 13, 2022, Sunday,
at 5:50 Am I received the pleadings of Respondent
dated October 21, 2022. These two (2) pleadings
were delivered to claimant by Apc Lt. Barnett.

2. Respondent has intentionally withheld these

(1)

pleadings from Claimant and is in violation of All federal, state and ethical laws,

3. The Respondent has alleged that Claimant's pleadings were delivered via APC truck mail and had no Certificate of service. (Motion to Strike at 3).

4. The Respondent alleges that claimant "is mistreating the Commission and made it so the APC could not respond to get his desired result." (Motion for Sanctions at 5).

5. Respondent alleges that "APC is being prejudiced by not being allowed to respond and refute the imprecise averments and documents." (Motion for Sanctions at 4).

6. Respondent has submitted to this Commission Exhibit "A" entitled Claimant's Response to Respondant's Motion to Dismiss (2)."

7. Claimant asserts that a Certificate of Service is found at page 5 of the Example pleading. The Certificate of Service is dated October 9, 2022,

8. The Respondant has also included in his Exhibit the letter from Claimant to Respondent Counsel MR. Burns dated October 9, 2022 describing the document (Exhibit "A" attached hereto).

9. This Commission must Note the date Received by Respondent Counsel of October 11, 2022,

10. The Respondant has received Claimant's Pleadings in an expeditious time frame, 2 days, and thus Respondent has not been prejudiced nor prevented from timely responding.

11. The Claimant also retains all envelopes containing the Respondent's pleadings and this pleading alleged by Respondant to have been sent to Claimant on October 21, 2022 was not delivered by APC until November 13, 2022 some twenty-three (23) days later, who is being prejudiced?

12. Claimant asserts that Respondent's Motion to Strike and Motion for Sanctions is moot since the example submitted by Respondant clearly contain the alleged

alleged Certificate of Service missing and that Respondent has received within two (2) days of mailing Claimant's pleadings averments and documents,

WHEREFORE, Steven Pinder requests this Commission deny the Respondent's Motion For Sanctions and Motion to Strike as moot, issue sanctions against Respondent and Counsel for abusive and unethical practice of law, bar the Respondent and Counsel from any further abusive pleadings, Grant Claimant the \$5,000.⁰⁰ he seeks against Respondent and costs and fees, and any other relief this Commission deems appropriate.

Executed This 13th
day of November 2022.

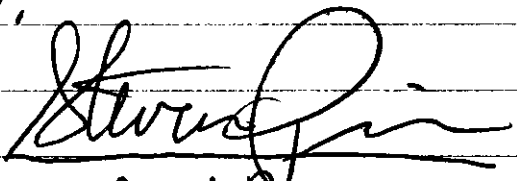
Respectfully submitted
Steven Pinder

STEVEN PINDER, Claimant



CERTIFICATE OF SERVICE

I Steven Pinder do hereby certify that on this 14th day of November 2022 I have served on Respondent through legal counsel Mr Burns attorney at 6814 Princeton Pike, Pine Bluff, Ar 72106 a true copy of my Response to Respondents Motion for Sanctions and Motion to Strike (2) (of October 21, 2022) by placing same in the AOE truck mail system and US Mail with sufficient postage affixed to ensure delivery.


STEVEN PINDER

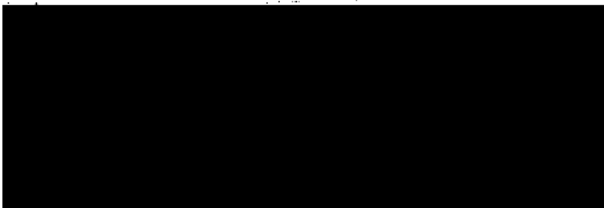
STATE OF ARKANSAS }
COUNTY OF LEE }

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public this _____ day of _____ 2022,

My Commission Expires: _____ Notary

10/9/22

STEVEN PINDER



RECEIVED
2537
OCT 11 2022

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

MR. T. BERRY, Attorney
Legal Counsel
6814 Princeton Pike
Pine Bluff, AR 72106

RE: Pinder v. Division of Corrections
Claim no. 230260

Sir:

For your convenience is enclosed my
recent pleading.

Cordially,

Steve

cc to

enclosure (1)

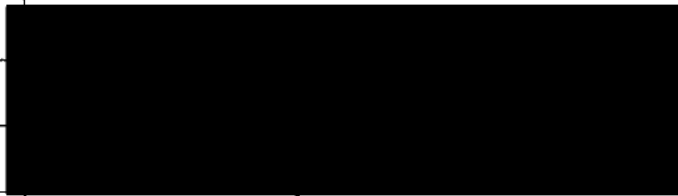
CLAIMANT'S Exhibit "A"

December 4, 2022

Steven Pinder

page 1 of 3

Exhibit "A" attached



Arkansas
State Claims Commission

DEC 13 2022

Ms. Irby, Clerk
Arkansas State Claims Commission
101 W. Capitol Ave. STE 410
Little Rock, Ar 72201-3823

RECEIVED

RE: PINDER v Ark. Dept. of Corrections
claim No 230260

Ms. Irby

"AFFIDAVIT"

Today December 4, 2022 at approximately 0528 AM Sunday, Lt. Watson of the Night shift came to my cell in Max 1-18 and delivered legal mail to me. The mail was from the Legal Division of the Department of Corrections Thomas Burns Attorney. Note the following:

1. The date delivered to me was December 4, 2022.
2. The mailing label was dated November 7, 2022
3. The Certificate of Service is dated October 7, 2022.

MR. Burns, an Attorney certified by the State of Arkansas has knowingly and intentionally withheld documents from me in an effort to prevent me from being able to timely file responsive pleadings.

This Commission should note that after the first motion by MR. Burns for sanctions and to dismiss, I thereafter began sending him 2 copies of all pleadings, 1 through the Ape truck mail system and one (1) through regular mail.

I request this Commission to hold an immediate hearing on this matter, deny any motion for sanctions and motion to dismiss filed by the Respondent MR. Burns, legal counsel. MR. Burns has now violated state law, federal law and my constitutional rights under the First Amendment. I have contacted the below listed persons and groups for assistance in seeking criminal prosecution of MR. Burns and civil rights suits.

Again, I request an immediate hearing into these actions by MR. Burns, legal counsel

for Respondent. Respondent is responsible for the actions of their attorney.

Ms. Juby I also ask again for a file marked copy of my November 15, 2022 filings. I have not received them yet.

Thank you
Respectfully
Steven P. Rine

cc: Thomas Burns, Attorney
Leslie Rutledge, Ark Att. General
Merrick Garland, U.S. Attorney General
ACLU
Arkansas Bar Association
American Bar Association
Pine

I request permission to respond to this crazy filing of MR. Burns. "DENY IT." I have mailed copies both ways to ensure MR. Burns and respondent are timely served. "Deny any Motion" add an additional \$ 5,000⁰⁰ in punitive damages.
(EXHIBIT "A" Attached here to) Steven P. Rine

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this _____ day of _____ 2022 I have served on Respondent a true copy of my Response to Respondents Motion to strike and motion to dismiss through legal council ~~Mr. Thomas Burns at 6814 Princeton~~ ~~the, the stamp is, by placing~~ ~~in the APC track mail system~~ and a copy in the US Mail with sufficient postage affixed to ensure delivery.

STEVEN PINDER

(5)

4

CLAIMANT'S EXHIBIT
"A"
129

Mika Tucker

From: Thomas Burns (DOC)
Sent: Thursday, December 22, 2022 12:07 PM
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 1611_001.pdf

3rd Motion for Sanctions

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC# [REDACTED])

CLAIMANT

v.

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR SANCTIONS

Comes now the Respondent, Division of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On or about November 14, 2022 the inmate sent a response to the ADC Motion for Sanctions.

2. That response in to the ADC informing the Commission and the inmate that “Truck Mail” violates the Rules of Civil Procedure and is not a commercially available method. *See attached Ex A.*

3. The inmate knows this, and despite that, continues to use the “Truck Mail”. This inmate is blatantly flaunting the rules, making a mockery of the process, and is continually allowed to so do.

4. The inmate is unduly prejudicing the ADC by engaging in this behavior, truck mail can be easily lost and the ADC could be subject to default or sanctions, all because the inmate refuses to abide by the Rules.

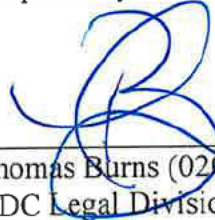
5. Due to the failure of the Inmate to follow the proper rules of civil procedure (ARCP) the ADC is being prejudiced by not being allowed to respond and refute the Inmates averments and documents.

6. The ADC would request that the Commission strike the Inmates claim and dismiss the matter for failure to follow the ARCP. The Inmate is deliberately misleading the Commission and made it so the ADC could not respond to get his desired result.

7. Rule 11 provides that the Court can impose sanctions if the pleading, motion, or other paper is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; which we clearly have here.

WHEREFORE, the ADC prays for sanctions against Steven Pinder; for his complaint to be dismissed; for attorney's fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



Thomas Burns (02006)
ADC Legal Division
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 22nd day of December 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Steven Pinder (ADC# [REDACTED])
[REDACTED]



Thomas Burns

Steven Pinder



Truck Mail

MR. Burns, Attorney
legal counsel
central office

11/11/11

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER
(ADC # [REDACTED])

CLAIMANT

v No: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE
TO RESPONDENT'S MOTION FOR
SANCTIONS (2) and MOTION TO STRIKE (2)

COMES NOW, Steven Pinder ("Claimant") here in after, pro-se, and through this his Response to Respondent's Motion for Sanctions number (2) and Motion to Strike number (2), States as follows:

1. Claimant must first make this Commission aware that on today's date, November 13, 2022, Sunday, at 5:50 a.m., I received the pleadings of Respondent dated October 21, 2022. These two (2) pleadings were delivered to claimant by ADC Lt. Barnett.

2. Respondent has intentionally withheld these

(1)

pleadings from Claimant and is in violation of ALL federal, State and ethical laws.

3. The Respondent has alleged that Claimant's pleadings were delivered via AOC truck mail and had no certificate of service. (Motion to Strike at 3),

4. The Respondent alleges that claimant "is misleading the Commission and made it so the AOC could not respond to get his desired result." (Motion for Sanction at 5).

5. Respondent alleges that "AOC is being prejudiced by not being allowed to respond and refute the inmate averments and documents." (Motion for Sanctions at 4).

6. Respondent has submitted to this Commission Exhibit "A" entitled Claimant's Response to Respondent's Motion to Dismiss (2).

7. Claimant asserts that a Certificate of Service is found at page 5 of the Exhibit pleading. The Certificate of Service is dated October 9, 2022.

(2)

8. The Respondent has also included in his Exhibit the letter from claimant to Respondent Counsel Mr Burns dated October 9, 2022 describing the document (Exhibit "A" attached hereto).

9. This Commission must note the date received by Respondent counsel of October 11, 2022.

10. The Respondent has received Claimant's Pleadings in an expeditious time frame, 2 days, and thus Respondent has not been prejudiced nor prevented from timely responding.

11. The claimant also retains all envelopes containing the Respondent's pleadings and this pleadings alleged by Respondent to have been sent to Claimant on October 21, 2022 was not delivered by ADC until November 13, 2022 some twenty-three (23) days late. Who is being prejudiced.

12. Claimant asserts that Respondent's Motion to Strike and Motion for Sanctions is moot since the exhibit submitted by Respondent clearly contains the alleged

(3)

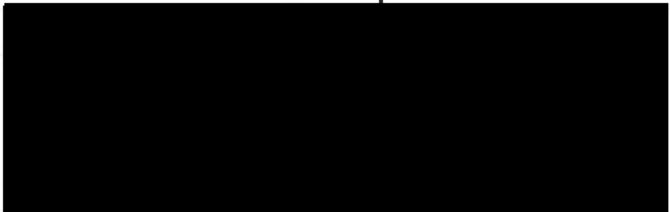
alleged Certificate of Service missing and that Respondent has received within two (2) days of mailing claimant's pleadings averments and documents.

WHEREFORE, Steven Pinder requests this Commission deny the Respondent's Motion For Sanctions and Motion to Strike as moot, issue sanctions against Respondent and counsel for abusive and unethical practice of law, bar the Respondent and Counsel from any further abusive pleadings, GRANT claimant the \$5,000⁰⁰ he seeks against Respondent and costs and fees and any other relief this Commission deems appropriate.

EXECUTED THIS 13th
day of November 2022.

Respectfully submitted

STEVEN PINDER, Claimant



(4)

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 14th day of November 2022 I have served on Respondent through legal counsel Mr Burns & Harney at 6814 Princeton Pike, Pine Bluff, AR 72106 a true copy of my Response to Respondent's Motion for Sanctions (2) and Motion to Strike (2) (of October 21, 2022) by placing same in the ADC truck mail system and U.S. Mail with sufficient postage affixed to ensure delivery.



STEVEN PINDER

STATE OF ARKANSAS)
COUNTY OF LEE)

no Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public this _____ day of _____ 2022.

My Commission Expires: Notary

(5)

January 12, 2023

STEVEN PINDER

Arkansas
State Claims Commission

JAN 17 2023

RECEIVED

Clerk

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

RE: PINDER v ARKANSAS DEPARTMENT OF CORRECTIONS,
Claim No. 230260

①. Claimant's Response to Respondent's December
22, 2022 Motion for Sanctions

Clerk:

Please find enclosed my umpteenth response to Respondent's abusive pleading of Dec. 22, 2022. The Respondent's very own Exhibit demonstrates I have provided them with 3 copies of all of my pleadings, much more than the law requires and as a courtesy to the Respondent. I have received legal mail at their unit that has been held in the mail room by the person named in this suit for as long as 45 days and it is being done intentionally.

(1)

139

MR. Burns, the Attorney for Respondent is attempting to deprive me of my day before this Commission and avert the liability of APC for violation of its very own rules.

I request this Commission to deny the abusive pleadings of MR. Burns, set this matter for immediate hearing so I do not have to suffer further abusive moot pleadings of MR. Burns and the APC corrupted machine.

Please return a file marked copy to me.

Thank you
Alvin P. ...

cc: file

Enclosure (6) 5 pleadings
1 copy of letter to Burns

cc:cc: MR. Burns, Attorney for Respondent

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT

(ADC # [REDACTED])

v

NO: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

DIVISION OF CORRECTIONS

CLAIMANT'S RESPONSE TO RESPONDENT'S
DECEMBER 22, 2022 MOTION FOR
SANCTIONS AND MOTION TO DISMISS

COMES NOW, Steven Pinder (the "Claimant") here in after, pro-se, and through this his response to Respondent's December 22, 2022 Motion for Sanctions and Motion to dismiss, states as follows:

1. The Respondent again alleges in his Motion for sanctions that the Claimant has "blatantly flaunting the rules" and is "making a mockery of the process" and alleging Claimant has not provided the respondent with a copy of his pleadings by an appropriate mail system.
2. The Respondent has attached to his pleading a copy of

Claimant's November 14, 2022 "Certificate of Service" accompanying his November 13, 2022 pleading.

3. The Certificate of Service plainly demonstrates that Claimant has served respondent "a true copy of my Response to Respondent's Motion for Sanctions (2) and Motion to strike (2) (of October 21, 2022) by placing same in the ADC truck mail system and U.S. Mail with sufficient postage affixed to ensure delivery," with two (2) copies of my pleadings. (see attached)

4.

4. The Respondent has intentionally failed to acknowledge that claimant has provided respondent with two (2) copies of my pleadings (1) via truck mail system of ADC and (1) via U.S. Mail. That's 2 copies.

5. Claimant wanted to ensure Respondent received a true copy of my pleadings in a timely fashion to ensure they incur no prejudice.

6. The holding of legal mail by the mail room supervisor of the EARU unit, L. Southern, named in this suit is being done with all of claimant's incoming and outgoing legal mail. (see ADC grievance # EAM 22-02114)

7. The Respondent's current motion for sanctions, motion to strike and motion to dismiss is in fact moot, they (Respondent) has been provided two (2) copies of claimant's pleadings as set out above.

8. The Respondent's motion to Dismiss, motion to strike and motion for sanctions is nothing more than a improper, abusive, and harassing pleading, and an effort by respondent and its attorney to cause unnecessary delay and needless increase in the cost of litigation.

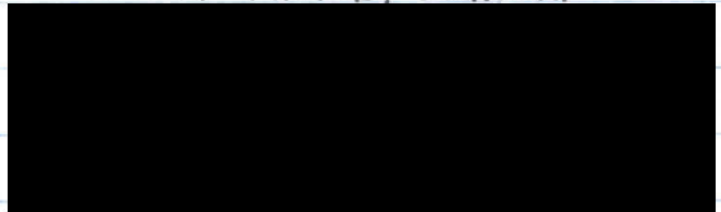
9. The Respondent has received copies of all of claimant's pleadings in duplicate, one (1) via U.S. Mail, and one (1) via ARC's truck mail system and cannot declare they have been prejudiced in any way shape or form, and now is lying about its mailings to claimant.

WHEREFORE, Steven Pinder prays this Commission declare the Motion for Sanctions, motion to strike and motion to dismiss by Respondent dated December 22, 2022 as an abusive and harassing pleading by Respondent, declare the motion as moot, deny the Respondent any relief it seeks, GRANT claimant all relief he seeks in his original claim of \$5,000⁰⁰

plus costs and fees, and set this matter and all claims against Respondent for immediate hearings and any other relief this Commission deems appropriate and just.

EXECUTED THIS 11th
day of January 2023.

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant




CERTIFICATE OF SERVICE

I, Steven Pinder do hereby swear and certify that on this 12th day of January 2023 I have served on Respondent through Attorney Thomas Burns at 6814 Princeton Pike, Pine Bluff AR 71602-9411 a true copy of my Claimant's Response to Respondent's December 22, 2022 Motion for sanctions and Motion to dismiss by placing same in the U.S. Mail with sufficient postage affixed to ensure delivery.

Steven Pinder
STEVEN PINDER

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 14th day of November 2022 I have served on Respondent through legal counsel Mr Burns attorney at 6814 Princeton Pike, Pine Bluff, AR 72106 a true copy of my Response to Respondent's Motion for Sanctions (2) and Motion to Strike (2) (of October 21, 2022) by placing same in the ADC truck mail system and U.S. Mail with sufficient postage affixed to ensure delivery.


STEVEN PINDER

STATE OF ARKANSAS)
COUNTY OF LEE)

no Notary Available

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public this _____ day of _____ 2022.

My Commission Expires: Notary

(5)

COPY

January 12, 2023

Steven Pinder

Arkansas
State Claims Commission

JAN 17 2023

RECEIVED

MR. Thomas Burns, Attorney
6814 Princeton Pike
Pine Bluff, Ar 71602-9411

RE: PINDER v Dept. of Corrections
Claim No 230260

Sir

Since you do not wish two copies of my pleadings I will no longer send the extra copy via Truck Mail.

If Southern holds my mail so be it. I am mailing your copy and the Commission's copies on this date 1-12-23, for your convenience.

Regards

Steven Pinder

cc: Ms Joby Clerk

file

Enclosure (1)

by U.S. Mail

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Friday, January 20, 2023 12:40 PM
To: Thomas Burns (DOC)
Cc: Leslie Browning (DOC); ASCC Pleadings; Mika Tucker
Subject: ORDER: Steven Pinder v. ADC, Claim No. 230260
Attachments: Steven Pinder v. ADC3.pdf; Steven Pinder-Order3.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

January 20, 2023

Mr. Steven Pinder (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: *Steven Pinder v. Arkansas Division of Correction*
Claim No. 230260

Dear Mr. Pinder and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230260

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

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

1. Claimant filed his claim on August 25, 2022, seeking \$5,000.00 in damages related to Respondent allegedly opening and reading his mail before he received it.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant has not been damaged.

3. Claimant responded to the motion to dismiss, arguing, *inter alia*, that dismissal was not proper.

4. In reviewing Respondent’s motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382 (2011). The facts alleged in the complaint will be treated as true, but not “a

plaintiff's theories, speculation, or statutory interpretation." *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Claims Commission finds dismissal is proper under *Hodges*. Even liberally construing the complaint, Claimant has not stated facts to support a negligence claim. *See Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002). The elements of a negligence claim are duty, breach of duty, and damages proximately caused by the breach. *Id.* The Claims Commission agrees with Respondent that Claimant has stated no facts to establish how he has been damaged by the alleged actions of Respondent.

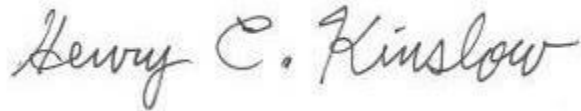
6. Respondent's motion to dismiss is GRANTED, and Claimant's claim is DISMISSED.

7. Any other pending motions are denied as moot.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: January 20, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

FEB 16 2023

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

STEVEN PINDER
ADC # [REDACTED]

CLAIMANT

v

NO: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT
DIVISION OF CORRECTIONS

CLAIMANT'S MOTION FOR RECONSIDERATION

COMES NOW, Steven Pinder, (the "Claimant") here in after, pro-se, and through this his Motion for Reconsideration, States as follows:

1. That on August 25, 2022, the Claimant did file this complaint against the Arkansas Department of Corrections, Division of Corrections (the "Respondent") seeking the recovery of damages of \$5,000⁰⁰ for the Respondent's actions of violating Administrative Directive ("AD") 18-37 "Inmate Correspondence" policy by opening of Claimant's legal mail from the Internal Revenue Service and reading the mail outside of claimant's presence, then sending the legal mail opened through the regular mail system of

the unit, exposing claimant's social security and tax information and personal information to any and all staff and inmates that wished to see it, in violation of its very own policies. Exposing claimant to identity theft.

2. Respondent filed a Motion to dismiss on September 1, 2022 its first such motion, merely denying liability.

3. On September 29, 2022 Claimant Responded to the Respondent's denial of liability setting forth factual issues of his claim on the Respondent's clear violation of its own policies, procedures and mandates.

4. On September 27, 2022 the Respondent filed a Motion to dismiss Claimant's claim, i.e. Motion to dismiss number two (2), taking a second bite of the apple asserting "it fails to state facts upon which relief can be granted."

5. Included with Respondent's September 27, 2022 pleading were numerous alleged current policies of the Agency and attempts further to assert that claimant was arguing about Respondent merely opening an IRS check, which claimant clearly asserts the Respondent was lying in its pleading.

6. Claimant responded to the Respondent's 2nd Motion to dismiss and presented to this Commission that Respondent, through its mailroom supervisor L. Southern in a response to claimant's grievance EAM 21-02064 concerning the issue states:

"Ms. Southern, mailroom supervisor advised that mail received from the IRS is not considered legal mail", a statement which clearly admits wrong doing and a willingness to violate ADC policies, procedures and mandates.

7. Then the Respondent filed five (5) separate motions to strike, motion to dismiss, which all related to claimant sending two (2) copies of his pleadings to Respondent, 1 via US Mail and then ADC's truck mail system. That's 5 abusive pleadings.

8. The Claimant Responded to each and every one demonstrating to this Commission that Respondent was merely abusing the pleading process.

9. Now on January 20, 2023 this Commission has issued an ORDER stating "Claimant has stated no facts to establish how he has been damaged by the alleged

actions of Respondent.

10. Claimant asserts that:

- *A. A hearing should have been held in which testimony could have been entered by claimant and his witnesses which would have demonstrated the damages incurred by Claimant; and,
- *B. Bills of monies paid to Attorney Bill Curry, a financial attorney, in the amount of \$2,500⁰⁰ as a retainer to conduct an inquiry into claimant's financial matters to ensure identity theft had not occurred due to the actions of Respondent; and,
- *C. The bills of monies paid to Mike Scott of Mike Scott Investigations to determine if a breach of identity had occurred; and,
- *D. The bills of monies paid to these individuals to continue to monitor claimant's financial matters, and identity matters to ensure the breach of rules, mandates and regulations by Respondent did not effect claimant in the future; and,
- *E. Facts would reveal to this Commission that in December 2022, five (5) Kentucky Bureau of prison employees were arrested for stealing

and utilizing the social security numbers and tax information of over one-thousand (1000) inmates, and the access came by way of IRS letters sent to inmates incarcerated in or at the respected unit(s) through the regular mail system via the mailroom, after the mail was opened by a mailroom clerk and sent via the unit mail system to each inmate affected.

11. Claimant has paid out over \$5,000⁰⁰ to the financial attorney and investigator to date, damages for the actions and violations of ADC's very own rules, regulations and mandates.

12. Claimant asserts that he has established facts to show exactly what this claim and this Commission is suppose to adjudicate, a violation of ADC's rules, regulations and mandates.

13. Claimant asserts this Commission has dismissed this claim against Respondent without consideration of all of the facts, without careful hearings to obtain the facts and has clearly erred in dismissing this claim under any circumstance.

WHEREFORE Steven Pinder prays that Arkansas state Claims Commission conduct ten hearings necessary to obtain ALL the facts in this matter, allow a fair and impartial hearing to occur and then after all facts and testimony are entered, allow due process to occur, and that its January 20, 2023 ORDER to dismiss be set aside, and any other relief this Commission deems appropriate.

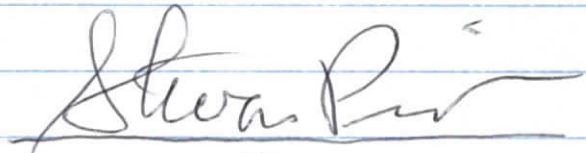
EXECUTED THIS 11th
Day of February 2023

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant

CERTIFICATE OF SERVICE

I, Steven Pinder do hereby certify that on this 13th day of February 2023, I have served on Respondent via its Attorney Thomasburns at 6814 Princeton Pike Pine Bluff, AR 71602 a true copy of my Motion for Reconsideration by placing same in the US Mail box

provided with sufficient postage affixed to ensure delivery.


STEVEN PINDER

Mika Tucker

From: Thomas Burns (DOC)
Sent: Thursday, February 23, 2023 1:10 PM
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Steven Pinder v ADC 230260
Attachments: 2900_001.pdf

ADC response to motion for reconsideration

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

V.

NO. 230260

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

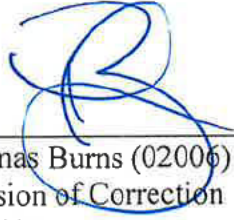
ADC RESPONSE TO MOTION FOR RECONSIDERATION

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 inmate has not put forth any new evidence to show that reconsideration is warranted.
3. Pursuant to Rule 7.1 of the Claims Commission Rules and Regulations, motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available"
4. The Commission made the correct ruling in dismissing the inmates complaint.
5. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that the Motion be denied; 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 Department
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 this pleading has been served this 23rd day of February 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Steven Pinder [REDACTED]



Thomas Burns

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Tuesday, July 25, 2023 10:08 AM
To: Thomas Burns (DOC)
Cc: Leslie Browning (DOC); Bilenda Harris-Ritter; ASCC Pleadings; Mika Tucker
Subject: ORDER: Steven Pinder v. ADC, Claim No. 230260
Attachments: Steven Pinder v. ADC.pdf; Steven Pinder-order6.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

July 25, 2023

Mr. Steven Pinder (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: *Steven Pinder v. Arkansas Division of Correction*
Claim No. 230260

Dear Mr. Pinder and Mr. Burns:

Enclosed please find an Order entered on July 21, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230260

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

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

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Steve Pinder (the “Claimant”) for reconsideration of the Claims Commission’s January 20, 2023, order dismissing Claimant’s claim against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the pleading, the arguments made therein, and the law of Arkansas, the Claims Commission hereby unanimously finds as follows:

1. Claimant filed his claim on August 25, 2022, seeking \$5,000.00 in damages related to Respondent allegedly opening and reading his mail before he received it.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Pro. 12(b)(6). The Claims Commission granted Respondent’s motion to dismiss on January 20, 2023, concluding that Claimant stated no facts in his claim to establish how he has been damaged by the alleged actions of Respondent.

3. Claimant filed a motion for reconsideration, arguing, *inter alia*, that his claim indicated that Respondent “expos[ed] [C]laimant to identity theft” and that a hearing should have been held so that witnesses could testify that Claimant spent money trying to determine if identity theft had occurred.

4. Respondent filed a response to the motion for reconsideration, arguing, *inter alia*, that Claimant has not put forth any new evidence to show that reconsideration is warranted.

5. In analyzing a motion for reconsideration, Rule 7.1 of the Claims 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”

6. The Claims Commission finds that the motion does not set forth new or additional evidence related to the present claim that was not previously available. As such, Claimant’s motion for reconsideration is DENIED, and the January 20, 2023, Claims Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: July 21, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Steven Pinder

August 7, 2023

Arkansas
State Claims Commission

AUG 10 2023

RECEIVED

Mika Tucker, Clerk
~~ARKANSAS~~ STATE Claims Commission
101 EAST Capitol Ave. Suite 410
Little Rock, AR 72201-3823

RE: PINDER v ARK. Dept. Corrections
claim NO 230260

Ms. Tucker:

I am not sure why, first off your office held the Claims Commission's order for 4 days before mailing to me and then APC held the order for 10 days before delivery to me but I will get to the bottom of both. I did not receive this till August 7, 2023. why? By design? Enclosed is my Notice of Appeal to Ark. Gen. Assembly. It is timely but I will be writing to determine the reason for holding

(1)

167

this mail.

Respect fully
Atton Pinn

cc: file

Enclosure (1) Notice of Appeal

(2)

IN THE ARKANSAS STATE CLAIMS COMMISSION

STEVEN PINDER

CLAIMANT/APPELLANT

v

No: 230260

ARKANSAS DEPARTMENT OF CORRECTIONS

Respondent / APPELLEE

NOTICE OF APPEAL

NOTICE is hereby given that on this 7th day of August 2023, Steven Pinder appeals to the Arkansas General Assembly this Claims Commission's denial of Motion for Reconsideration issued July 21, 2023 and the ORDER to dismiss this claim dated January 20, 2023.

Executed this 7th
Day of August 2023

Respectfully submitted
Steven Pinder
STEVEN PINDER, Claimant / Appellant