

In The United States District Court
Eastern District of Arkansas
Pine Bluff Division

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 05 2017

JAMES W. McCORMACK, CLERK
By: Plantiff DEP CLERK

Kevin Ray Adkins,
ADC #113581

VS. case no. 5:16-CV-00372-KGB-BD

Wendy Kelly, et al. Defendants

Supplemental Complaint

1) A. Persons to omit from complaint

- Mrs. M. D. Simelja
- William Heck & C Hubbard
- N.P. Gruswald
- Nurse Horn
- Rory Griffin
- M.D. Robert Floss
- Wendy Kelly - Director

CO Griffin

B. I am persuing my failure-to-protect claim at this time and not persuing my claim of deliberate indifference to my medical needs.

A 1) On April 2 at about 10-10:30 A.M. I
Unknown was assaulted with a push broom head
by inmate Drew who worked in the
kitchen. The officer on the door was
or is unknown to me but would be
named in this 1983 civil suit as a
defendant. A Sgt. A Williams did
an investigation of the assault and
would know that officers name. He
also took witness statements from inmates
Todd & Barrows. Now the officer on the door
signed out the tools to the barracks
porters and did not supervise their use
and didnt collect them after cleaning
up was done. Instead inmate Drew
was allowed uninhibited to go get the
push broom head; strike me with the
broom head unnoticed by staff; and
until I brought it to their attention
they were unaware the tools were
in the barracks not being used. Or
that the broom head had been used
in an assault. Showing that staff
was not only not supervising use
of barracks tools but not collecting
them once cleaning was done

b. Prison officials "knew" leaving tools unchecked and unsupervised creates an excessive risk to inmates health and safety.

As inmate Drew willingly admitted to assaulting me when asked, if the mops and brooms would have been collected after cleaning there would have been no weapons to use.

c. Pain and suffering - ~~omit~~

Emotional Stress & Strain - ~~omit~~

Prison officials "deliberate indifference" to substantial risk of serious harm ~~omit~~

2) A. After 3 days in isolation, I was released. I went to master control where Captain Smith (Shift Supervisor) chose to reassign me back to 6 barracks and back to bed 30 which I had been robbed from. Captain Smith had to have had a reasonable amount of common knowledge that a barracks I had just been assaulted in and robbed would still ^{HAVE} friends and sympathizers of the inmate who would be a threat to my health and safety. So being a shift supervisor he

choose to put me in a hostile environment knowing all the facts. While working under color of state law showed "deliberate indifference", instead of placing me in another barrack. In Farmer v. Brennan The Supreme Court, Justice Souter held that (1) prison officials may be held liable under Eighth Amendment for denying humane conditions of confinement only if they know that inmates face substantial risk of serious harm and disregarded that risk by failing to take reasonable measures to abate it.

b. Captain Smith "knew" it was wrong to put me back in 6 barrack; back in the bed I had been robbed from. His actions were malicious and callous. He choose to try to inflame the situation which still existed between me & those on inmate Drews side.

- c. ¹ Cruel and Unusual Punishment ~~causing emotional and mental stress~~
- ² Deliberate Indifference to substantial risk of serious harm to an inmate ~~causing emotional and mental stress~~
- ³ Malicious and Manoeuvrant actions causing emotional and mental stress ~~causing emotional and mental stress~~

(5)

a. 3) Warden Page would have known about the incident between Drew and I as the head warden. When I did not get any help from Internal Affairs or The Arkansas Ethics Committee when I had wrote them on or about April 23, 2016 trying to get some outside help. Only to be ignored as no help ever was given from either. I grieved the hostile living situation to Warden Page 5/22/16 and never heard anything back. On 5/31/16 I was moved due to filling out another grievance. When I have reached out to everyone who can easily readily my situation and ~~for~~ none out of 3 different people will lift a finger to help then who was I to turn to.

b. Warden Page as the head warden had a job to do to take reasonable measures to guarantee inmates safety and health. The fact that he knew of my previous assault in the barracks and after my grieving the hostile, threatening environment shows he was being ~~reckless~~ subjectively reckless in showing deliberate indifference.

c. Deliberate Indifference
Emotional & Mental Stress & Trauma

a 4) Ft. Jones was on the building security and Sgt. Wright was facilitating my grievance and she took me to Ft. Jones to grieve my hostile living environment. I explained to Ft. Jones all that was happening and how it was unbearable. He told me & Sgt Wright clearly that he would move me to 15 barracks that day. I still sent my grievance on to Warden Page. The fact that I had already been assaulted and had put myself in a compromising situation by putting myself "out there" by talking to building security only put me more in danger and still was not moved. There was no way of knowing whether or not what I had told Ft. Jones would somehow get back to 16 barracks which is not unusual. I had sent Internal Affairs as well as 2 other agencies letters which told how I had seen Ft. Jones as well as an inmate strong arm an inmate for the cost of a

pair of shoes. I wound up getting one of those letter back through return mail. I had sent them out 4/23 and was talking to Sgt Wright and Ft. Jones 5/23 a month later.

6 Sgt. Wright facilitated processing my grievance and was present and heard every word Ft. Jones told me which was that; that day I would be moved to 5 barracks. After telling Ft. Jones names of inmates threatening me and telling them what they were doing. I reached out to the only help offered to me and my needs as well as my request was disregarded and ignored the question under the Eighth Amendment is wether prison officials, acting with deliberate indifference, exposed a prisoner to a sufficiently substantial risk of serious damage to his future health. It does not matter wether the risk comes from a single source or multiple sources, any more than it matters wether a prisoner faces an excessive risk

of attack for reasons personal to him or because all prisoners in his situation face such a risk.

- c. Deliberate indifference to the substantial risk of serious harm to an inmate.
- ② Emotional, Mental Stress, Trauma

Captain Smith #5) On May 31 I filled out another grievance to be moved and again Sgt. Wright facilitated processing my grievance. This ~~time~~ time after bringing ^{up} Jones not moving me to her attention she went to Captain Smith who again made me tell him why I felt I needed moved from 6 barracks. When he knew about the assault & robbery. He then said if he moved me would I be willing to tear up the grievance. He said he would move me if I tore up the grievance. Well I was so desperate to get out of 6 barracks I said yes, but had no intention of tearing it up. When Sgt. Wright came to get me to move me she insisted I tear up the grievance as she illustrated I had told Captain Smith I would in order for him to move me. Captain Smith was

the shift supervisor and showed no regret for having placed me back in the hostile environment of 6 barracks. He extorted a barracks change by denying me my right to grieve my or the ADC policies and procedures. Now all I have is the left over remains of a grievance I was denied to grieve due to wanting safety and peace of mind.

b Having stripped us of virtually every means of self-protection and foreclosed our access to outside aid, the state and its officials are not free to let the state of nature take its course. Being violently assaulted then placed back in that exact same environment in prison is simply not part of the penalty that criminal offenders pay for their crimes against society. Captain was the sole reason as shift supervisor for my situation.

c. Deliberate Indifference
Mental and Emotional Stress
Extortion for official duties

Warden A & Mills

A week after I was put back in the barracks my key to my box was stolen. So I went to Assistant Warden Mills and explained how I had been assaulted & robbed. That since then I had been having bad headaches and that I had people threatening and antagonizing me. He told me "I'm aware of your situation", but would not move me. Instead he had the cylinder in my lock changed and that was all he was willing to do. Warden Mills knew that I was in a hostile environment his words as well as me telling him made all of that obvious as well as being warden, he choose to violate the Cruel and Unusual Punishment Clause. His actions show a "sufficiently culpable state of mind because his state of mind is one of deliberate indifference to my health & safety."

b) Deliberate Indifference
Mental and Emotional Stress

7) A I went ahead and sent several grievances on up the chain of Command to Dexter Payne the Assistant Director who could have had me moved. He instead felt my grievances had no merit and that I was threatened on a daily bases and all the after effects of the assault had no merit. Mr. Payne as director has a reasonable duty to correct things brought to their attention such as health and safety ~~prob~~ problems.

b. In such situations where the decisions of prison officials are typically made in haste, under pressure and frequently without the luxury of a second chance. But after 3 appeals to a decision and all confirm denying being moved from hostile environment. In this case an Eighth Amendment deliberate indifference must be seen as applied with force maliciously and sadistically for the very purpose of causing harm; with a knowing willingness that harm could occur due to already having had.

A9 In the conclusion of my Supplemental Complaint it is my hope that I have shed adequate light on my cause to not only be understood but concise.

Relief sought

Claim (1) 100 million

Claim (2) 100 million

Claim (3) 100 million

Claim (4) 100 million

Claim (5) 100 million

Claim (6) 100 million

Claim (7) 100 million

Thankfully
Sincerely,

Kerrin Ray Adkins
ADC #113581

2017 JAN -5 AM 9: 52

CERTIFICATE OF SERVICE

JAMES W. McCORMACK

This is to certify that on the 2 day of January, 2017, a copy of the
foregoing ~~Petition~~ was mailed, with sufficient postage affixed, to the Prosecuting Attorney of _____

County at :

United States District Court - Clerks Office
Richard Shepard Arnold United States Courthouse
600 W. Capitol Avenue Suite A-149
Little Rock, Arkansas 72201-3325

Petitioner, pro se

subscribed and sworn to before me, a Notary Public
for the State of Arkansas, on this 2 day of January
2017. My Commission Expires 10-21-2018

Kimberly Riley

