

511600164
Ref. Case No. BSM

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

800-4

STATE OF ARKANSAS

COUNTY OF Lincoln

AUG 31 2012

JAMES W. MCCORMACK, CLERK

By: _____

DEP CLERK

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 31 2012

AFFIDAVIT

JAMES W. MCCORMACK, CLERK

By: _____

DEP CLERK

I, Mr. Marries Walton #109927, after first being duly sworn, do hereby swear, depose

and state that: on the 8-15-12 I over heard SGT Chave talking to
the inmate in 14 cell Abdul and he ask to officer White
are you coming to my cell. taken my property he
stated MZINER the warden told him to come and
harass and provoke in a sense of way that what
I saw and heard the action of this officer was
to cough his religion belief around the Quran
is the true meaning of the Islam of Believer
officer SGT Chave violate that constitution amendment
he done that to provoke Abdul I saw this and the reason
for all that he would cut his face hair so they retaliate

I further swear that the statements, matters and things contained herein are true and accurate to

wouldn't
the best of my knowledge, information and belief.

8/15/12

DATE

Mr. Marries Walton

AFFIANT

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 23 day of August, 2012.

Felicia Piggee

NOTARY PUBLIC

My Commission Expires: 01-31-2021

FELICIA FIGGEE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

514

FOR OFFICE USE ONLY

GRV. # 18m12-2052

Date Received: 6-6-12

GRV. Code #: 101

UNIT LEVEL GRIEVANCE FORM (Attachment F)

Unit/Center Varner Super Max

Name Gregory Holt Abdul Maalik Muhammad

ADC# 129616 Brks # 161 Job Assignment Callblock

5-29-12 (Date) STEP ONE: Informal Resolution

Ref. Case No. 5111DVO0164 BSM

6-5-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I was not placed on the program so I should be returned back to Cummins

_____ (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 a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If 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 April 19, Judge Brian Miller issued an injunction in Case No. 5111DVO0164 BSM in which he renewed his original Order of October 18, 2011 in a challenge to the ADC grooming policy. One of the conditions of the injunction was that I was not to be transferred during the pendency of the litigation. On May 17, I was transferred from the Varner Unit back to Cummins after having been originally transferred to Varner during the accreditation process at Cummins. I was transferred back to Varner on the same day of May 17. The transfer violated a Federal injunction and continues to violate it every day that I remain at Varner. It is retaliatory in nature for my having secured a second injunction against Cummins and ADC personnel. I am asking that I be immediately sent back to Cummins to satisfy the terms of the Order.

Gregory Holt
Abdul Maalik Muhammad
Inmate Signature

5-29-12
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 _____ (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 _____

Aggee 39936 Aggee 05-30-12
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: According to Ms. McConnell, you were returned back to VSM for possible placement on the VSM program.

Aggee 06-05-12
Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 06-05-12 (date), pursuant to **Step Two**. Is it an Emergency? N (Yes or No).

Staff Who Received Step Two Grievance: Aggee Date: 06-05-12

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: KEO Date: _____

INMATE GRIEVANCE SUPERVISOR

DISTRIBUTION: YELLOW & PINK – Inmate Receipts; **BLUE** – Grievance Officer; **ORIGINAL** – Given back to Inmate After Completion of Step One and Step Two

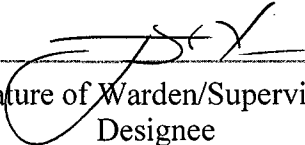
IGTT410
3GS

Attachment III

INMATE NAME: Holt, Gregory H. ADC #: 129616C GRIEVANCE #: VSM12-02052

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, per AD 12-16 transfers are not a grievable matter and will not be addressed.



Signature of Warden/Supervisor or Designee



Title

6/26/2012

Date

RECEIVED

JUL 02 2012

INMATE'S APPEAL

INMATE GRIEVANCE 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?

Federal law trumps ADs. In this case, an injunction was entered specifically forbidding transfer. In addition, I was not placed on the 18 month program and was acquitted of aggravated battery, one of the prerequisites to placing one on the program. Further, I have addressed the procedural due process violations that occurred surrounding the transfer in a six (6) page appeal to the Chief Deputy Director. Cumulatively, the transfer should be reversed and I move that I be transferred back to ^{Gregory Holt} abdul maalik Muhammad

129616 6-27-12

Inmate Signature

ADC#

Date

Cummins in order to satisfy the injunction and to remove him from the threat of his archenemy who is at Varner.

IGTT430
3GD

Attachment VI

INMATE NAME: Holt, Gregory H.

ADC #: 129616

GRIEVANCE#: VSM12-02052

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Inmate Holt per policy AD 12-16 the matter and/or issue you've raised in this current grievance is non-grievable through the Inmate Grievance Procedure. As such I suggest you contact your Unit Classification officer or Classification Administrator.

Appeal denied

17m7

Director

Date

8.20.12