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SUPREME COURT OF ARKANSAS
No. CV-17-235

REGINALD R. EARLY

APPELLANT

V.

KEITH CROCKETT, CLAYBORN
CARROLL, ROBERTA LEWIS, AND
LAMON MAYO

APPELLEES

Opinion Delivered: December 13, 2018

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. 35CV-10-279]

HONORABLE JODI RAINES DENNIS,
JUDGE

REBRIEFING ORDERED.

SHAWN A. WOMACK, Associate Justice

Reginald Early, an inmate in the Arkansas Department of Correction (“ADC”), appeals the circuit court’s grant of summary judgment dismissing his pro se civil rights complaint. The four named defendants are all current or former employees of the ADC. Early’s complaint stems from an incident that occurred at the Tucker Maximum Security Unit on March 19, 2009. At that time Early was an administratively segregated inmate being prepared for transport off site for a medical appointment. He alleges that prior to his appointment, Crockett, Lewis, and Mayo placed him in the shower to conduct a strip search and that there were general population inmates located in the shower when he arrived. While Early was there, Fred Hogan, one of the general population inmates, approached him from behind and attacked him.

Early argues that the named ADC officials violated his constitutional right to be free from cruel and unusual punishment when they failed to protect him from the attack. Specifically, he alleges that the ADC defendants were aware of ADC policy to keep general population inmates separate from administratively segregated inmates, and they violated that policy by placing him in the shower area without ensuring there were no general population inmates present. We previously remanded his case to the circuit court to consider his individual-capacity claims in light of the federal standards of qualified immunity and deliberate indifference. *Early v. Crockett*, 2014 Ark. 278, 436 S.W.3d 141. On remand, the ADC defendants filed a motion for summary judgment arguing that they were entitled to qualified immunity and that Early had failed to exhaust his administrative remedies as to Roberta Lewis. The circuit court once again granted the motion, and Early appeals that decision.

In his first point on appeal, Early alleges that the circuit court committed procedural error when it dismissed his amended civil rights complaint before it ruled on his motion to have counsel appointed. As a basis to support his claim, he argues that he filed multiple requests for discovery with the ADC and was denied access to some of the requested information due to his status as an inmate. Therefore, he did not have an opportunity to investigate and pursue his claim and was entitled to counsel who could access the relevant information.

Despite his argument, Early has not included any of the multiple requests for counsel, discovery, or related motions in his addendum. An appellant is required to

include in the addendum non-transcript documents that are essential to understand the case and decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(8). Pro se appellants are held to the same standards as attorneys in preparing their briefs. *Moon v. Holloway*, 353 Ark. 520, 110 S.W.3d 250 (2003). When there are deficiencies in the abstract or addendum, we may address them at any time on our own accord and may order rebriefing if necessary. Ark. Sup. Ct. R. 4-2(b)(3). Under that rule, if rebriefing is ordered, the appellant is required to submit a substituted brief within fifteen days to conform with our rules. See *Campbell v. State*, 349 Ark. 111, 76 S.W.3d 271 (2002) (pro se inmate required to file substituted brief in compliance with our rules). Mere modifications of the original brief will not be accepted. *Id.* Failure to do so may result in the judgment being affirmed for noncompliance with our rules. *Id.* Because Early has not included the documents necessary for us to review his arguments on appeal, rebriefing is required. He shall have fifteen days to file a substituted brief in compliance with our rules.

Rebriefing ordered.

Special Justice MARK WANKUM joins.

WYNNE, J., not participating.