

IN THE SUPREME COURT OF ARKANSAS

Case No. CV-26-301

JASON MATTHEW LYNCH,

Appellant,

v.

WHITE COUNTY JAIL; WHITE COUNTY, ARKANSAS;

SHERIFF OF WHITE COUNTY; JOHN DOES 1-25;

JANE DOES 1-10; PRIVATE MEDICAL CONTRACTORS

FOR WHITE COUNTY JAIL; ARKANSAS DEPARTMENT

OF HEALTH; AND UNKNOWN INSURERS,

Appellees.

AMENDED AND SUBSTITUTE BRIEF OF APPELLANT

JASON MATTHEW LYNCH

Appeal from: White County Circuit Court, Case No. 73CV-26-287

Orders Appealed: (1) Transport Order entered April 7, 2026;

(2) Order of Dismissal entered June 5, 2026

Underlying Action: Pro Se Petition for Declaratory Judgment and Injunctive Relief

filed April 1, 2026

Presiding Judge Below: Hon. Judge R. Gibson

Jason Matthew Lynch

Appellant, Pro Se

Register No. 07405-510

261 Wilson Loop

Ward, AR 72176

Filed via Electronic System

Date: June 18, 2026

MOTION TO ACCEPT AMENDED AND SUBSTITUTE BRIEF

COMES NOW Appellant, Jason Matthew Lynch, proceeding pro se, and respectfully moves this Court for leave to file this Amended and Substitute Brief in place of, or as a supplement to, his previously filed brief (filed June 8, 2026), which was submitted along with a Motion to File Nonconforming Brief. In support thereof, Appellant states:

1. Appellant's original brief, filed June 8, 2026, was prepared under extreme limitations, including restricted access to legal resources, confinement in federal custody, and reliance solely on the TRULINCS electronic messaging system.
2. Since filing the original brief, Appellant has made additional efforts to understand and comply with the formatting and substantive requirements of the Arkansas Supreme Court Rules governing appellate briefs, including the requirements concerning the Abstract, Addendum, Table of Authorities, Points on Appeal, and Argument structure.
3. This Amended and Substitute Brief represents Appellant's best good-faith effort to satisfy the Court's formal requirements. It supersedes and replaces the original brief in all

respects. Should the Court decline to accept the original brief, Appellant respectfully requests that this Amended and Substitute Brief be accepted in its place.

4. Should the Court have already accepted the original brief, Appellant respectfully requests that the Court accept this filing as an amended substitute brief to ensure that the issues are presented in the clearest and most compliant form possible.

5. No party is prejudiced by acceptance of this amended brief. Appellees have not yet filed their brief. Appellant submits this motion in good faith and for no purpose of delay.

WHEREFORE, Appellant respectfully requests that this Court grant leave to file this Amended and Substitute Brief and accept it as the operative brief of Appellant in Case No. CV-26-301.

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Ark. R. App. P.–Civ. 1 (rules construed for just determination) Motion

Ark. Sup. Ct. R. 1-2(a)(3) (significant issues; public interest) Jurisdiction

JURISDICTIONAL STATEMENT

This Court has jurisdiction over this appeal pursuant to Ark. Code Ann. § 16-11-102 and Article 7, Section 4 of the Arkansas Constitution. This appeal presents significant issues of constitutional dimension — including the scope of a state circuit court's authority to issue civil writs of transport commanding the removal of a person from federal custody; the application of the Supremacy Clause of the United States Constitution to such state court orders; the due process requirements applicable to a pro se federal prisoner who is a party

in civil proceedings; and the proper standard governing dismissal for failure to appear where the party's absence is caused exclusively by federal confinement. These issues recur across the Arkansas prison population and are of substantial public interest warranting review by this Court. Ark. Sup. Ct. R. 1-2(a)(3).

The orders appealed are:

(1) The Transport Order entered by the White County Circuit Court, Hon. Judge R. Gibson presiding, on April 7, 2026, in Case No. 73CV-26-287; and

(2) The Order of Dismissal entered by the White County Circuit Court on June 5, 2026, dismissing Appellant's action for failure to appear at the May 14, 2026 hearing.

This appeal is timely. Appellant filed his Notice of Appeal and additional supplemental notices within the applicable period. The briefing schedule issued by this Court on May 1, 2026, set Appellant's brief due June 10, 2026. This Amended and Substitute Brief is filed within a reasonable time following the original brief.

PRESERVATION OF ISSUES FOR REVIEW

Appellant raised each issue presented in this appeal before the circuit court through written motions, objections, notices, emergency motions, venue motions, responses, and filings contained in the record. Specifically:

- Appellant filed written objections to the transport order before and after entry of the April 7, 2026 order, raising Supremacy Clause, First Step Act, and personal safety grounds.

- Appellant filed Emergency Motions before the circuit court seeking to: quash and recall the civil writ; stay the proceedings; obtain accommodations for remote participation, including telephonic or video appearance; obtain a continuance to allow the custody issues to be resolved; and prevent proceedings from advancing in his involuntary absence.
- Appellant filed written notices of his federal custodial status with the circuit court on multiple occasions, expressly informing the court that his physical appearance was impossible without federal authorization.
- Appellant filed a Motion to Set Aside Order of Dismissal and Motion for Reconsideration in the circuit court following entry of the June 5, 2026 dismissal order.
- The circuit court either denied relief without substantive findings or failed to rule upon the requested relief, thereby preserving each issue for appellate review.
- Appellant also filed notices and emergency motions in this Court prior to the briefing schedule being set, seeking expedited review and extraordinary relief, each of which preserved the issues herein.

STATEMENT OF THE CASE AND FACTS

A. The Underlying Action

On April 1, 2026, Appellant Jason Matthew Lynch, a federal prisoner confined at the facility located at 261 Wilson Loop, Ward, Arkansas, Register No. 07405-510, filed a pro se Petition for Declaratory Judgment and Injunctive Relief in White County Circuit Court, Case No. 73CV-26-287. The petition named as defendants the White County Jail, White County, Arkansas, the Sheriff of White County, John Does 1–25, Jane Does 1–10, Private Medical Contractors for the White County Jail, the Arkansas Department of Health, and Unknown Insurers. The

petition arose from documented harm Appellant suffered while previously housed at the White County Jail, and from ongoing conditions and practices at that facility that implicated Appellant's constitutional rights and state law protections.

B. The Transport Order — April 7, 2026

Within days of the petition's filing, the White County Circuit Court entered an order dated April 7, 2026, directing that Appellant be transported from federal custody to appear before the court. Appellant was at all times confined under the jurisdiction and control of the Federal Bureau of Prisons (BOP). The circuit court issued this transport order without obtaining the consent or cooperation of federal authorities and without considering whether such an order could lawfully be enforced against a federal prisoner.

The BOP, upon receiving the transport request, declined to honor it. Federal authorities determined that Appellant's transfer from federal custody could not be authorized under the circumstances presented — citing security concerns and issues surrounding federal custody, including the risk to Appellant's physical safety if returned to White County and the disruption to federally mandated programming tied to Appellant's First Step Act credits and release eligibility. Appellant was informed of this declination and promptly notified the circuit court.

C. Emergency Filings and the Circuit Court's Failure to Act

Following entry of the transport order, Appellant filed multiple emergency motions with both the circuit court and this Court, seeking to: (1) quash and recall the civil writ; (2) stay the proceedings; (3) obtain accommodations for remote participation, including telephonic or video appearance; (4) obtain a continuance to allow the custody issues to be resolved; and

(5) prevent a trial from proceeding in his involuntary absence. The circuit court failed to rule on any of these emergency requests. The proceedings moved forward without Appellant.

D. The Dismissal Order — June 5, 2026

On May 14, 2026, a hearing was held in the circuit court. Appellant was unable to appear because he was in federal custody, the BOP had declined the transport request, and no accommodation for remote appearance had been arranged. On June 5, 2026, the circuit court entered an Order of Dismissal based solely on Appellant's failure to physically appear at the May 14 hearing. The dismissal order contained no findings regarding: the merits of Appellant's claims; willfulness or bad faith; prejudice to the Defendants; Appellant's repeated notices of his custodial status; the BOP's refusal to transport; or any consideration of lesser alternatives to outright dismissal.

E. Obstruction by White County Personnel

Throughout these proceedings, Appellant and his wife encountered repeated obstruction from White County Clerk's Office personnel, who allegedly refused to file documents, refused to assist with obtaining certified copies of orders, and declined to process submissions related to this case. Appellant raised these access-to-courts concerns in multiple filings with both the circuit court and this Court. With the sole exception of clerk Jake Rains, White County Clerk's Office personnel consistently refused to assist Appellant's wife when she personally appeared to deliver filings.

F. The Pending Appeal and the Circuit Court's Post-Appeal Dismissal

Prior to entry of the June 5, 2026 dismissal, Appellant had already filed a notice of appeal and multiple emergency motions in this Court, placing the matters squarely before the

appellate forum. The circuit court's dismissal of the underlying action while appellate issues were actively pending before this Court frustrates the appellate jurisdiction and review authority of this Court and further underscores the procedural irregularities that have marked these proceedings from the outset.

G. Appellant's Current Status

Appellant recently transitioned out of active federal incarceration and is now in a transitional custody status at 261 Wilson Loop, Ward, AR 72176. He continues to face severe limitations on access to legal resources, physical court records, and legal assistance. He proceeds entirely without counsel.

POINTS ON APPEAL

POINT I: THE CIRCUIT COURT LACKED AUTHORITY TO ISSUE A CIVIL WRIT OF TRANSPORT COMMANDING THE REMOVAL OF A FEDERAL PRISONER FROM FEDERAL CUSTODY WITHOUT FEDERAL CONSENT, AND THE TRANSPORT ORDER IS VOID.

POINT II: THE TRANSPORT ORDER VIOLATED THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION AND FEDERAL STATUTES GOVERNING THE EXECUTION OF FEDERAL SENTENCES, REQUIRING REVERSAL.

POINT III: THE TRANSPORT ORDER THREATENED IRREPARABLE AND IMMEDIATE HARM TO APPELLANT'S EARNED TIME CREDITS UNDER THE FIRST STEP ACT, HIS IMMINENT RELEASE TO HOME CONFINEMENT, AND HIS PERSONAL SAFETY — ALL OF WHICH CONSTITUTE COGNIZABLE LIBERTY INTERESTS ENTITLED TO CONSTITUTIONAL PROTECTION.

POINT IV: THE CIRCUIT COURT ABUSED ITS DISCRETION BY DISMISSING APPELLANT'S ACTION FOR FAILURE TO APPEAR WHERE: (A) APPELLANT'S ABSENCE WAS CAUSED ENTIRELY BY FEDERAL CUSTODY AND CIRCUMSTANCES BEYOND HIS

CONTROL; (B) APPELLANT REPEATEDLY NOTIFIED THE COURT OF HIS CUSTODIAL STATUS; AND (C) THE COURT FAILED TO CONSIDER ANY LESSER ALTERNATIVE TO DISMISSAL, INCLUDING TELEPHONIC APPEARANCE, VIDEO APPEARANCE, CONTINUANCE, OR STAY.

POINT V: APPELLANT WAS DENIED MEANINGFUL ACCESS TO THE COURTS AND DUE PROCESS OF LAW THROUGHOUT THESE PROCEEDINGS BY A COMBINATION OF: (A) THE CIRCUIT COURT'S REPEATED FAILURE TO RULE ON EMERGENCY MOTIONS; (B) WHITE COUNTY PERSONNEL'S OBSTRUCTION OF APPELLANT'S FILINGS; AND (C) THE ABSENCE OF ANY PROCEDURAL ACCOMMODATION FOR HIS STATUS AS AN INCARCERATED PRO SE LITIGANT.

ARGUMENT

STANDARD OF REVIEW

The circuit court's entry of the transport order presents a question of law — specifically, whether a state circuit court possesses authority to compel the transport of a federal prisoner without federal consent — which this Court reviews de novo. The circuit court's dismissal of the underlying action for failure to appear is reviewed for abuse of discretion. *Carroll v. Carroll*, 2022 Ark. 80; *Harris v. City of Fort Smith*, 359 Ark. 355 (2004). Constitutional questions arising from the dismissal and the denial of access to courts are reviewed de novo. Pro se filings are construed liberally. *Brown v. Gibson*, 2010 Ark. 126; *Haines v. Kerner*, 404 U.S. 519 (1972).

POINT I: THE CIRCUIT COURT HAD NO AUTHORITY TO ISSUE A CIVIL WRIT OF TRANSPORT OVER A FEDERAL PRISONER WITHOUT FEDERAL CONSENT

A federal prisoner is in the exclusive custody and control of the United States government. The United States Supreme Court recognized this foundational principle nearly a century ago in *Ponzi v. Fessenden*, 258 U.S. 254 (1922), holding that the federal sovereign has an absolute priority over a prisoner in federal custody and that no state court may remove a federal prisoner from federal custody without the consent of the federal sovereign. The Supreme Court reinforced this principle in *United States v. Mauro*, 436 U.S. 340 (1978), holding that a state's use of a writ of habeas corpus ad prosequendum or similar civil process to obtain custody of a federal prisoner is constrained by federal law and federal consent.

The Bureau of Prisons' authority over the place and manner of a federal prisoner's confinement is codified at 18 U.S.C. § 3621, which vests in the BOP exclusive discretion over the designation of a prisoner's place of imprisonment. State courts have no independent authority to override that discretion through civil writs. When the BOP declines a transport request — as it did here — the state civil writ simply cannot be enforced. It is void for want of the federal sovereign's consent.

The circuit court's April 7, 2026 transport order was issued without any consultation with federal authorities and without any determination that federal consent existed or would be forthcoming. When federal authorities declined to honor the writ — expressly citing security concerns and the disruption to federal programming — the transport order became immediately unenforceable. The circuit court should have vacated the transport order upon receiving notice that the BOP had declined to comply. Its failure to do so, and its subsequent dismissal of the action for Appellant's failure to appear pursuant to an unenforceable transport order, compounded a legal error that nullified the entire proceeding.

No state court order commanding the removal of a person from federal custody, issued without consultation with or consent of the federal sovereign, can be given operative legal effect. The April 7, 2026 transport order is void ab initio and must be so declared by this Court.

**POINT II: THE TRANSPORT ORDER VIOLATED THE SUPREMACY CLAUSE AND
FEDERAL STATUTES GOVERNING THE EXECUTION OF FEDERAL SENTENCES**

The Supremacy Clause, U.S. Const. art. VI, cl. 2, establishes that federal law is the supreme law of the land, and that state laws and state court orders that conflict with federal law are without effect. A state court order directing the removal of a federal prisoner from federal custody over the BOP's objection directly conflicts with 18 U.S.C. § 3621 (BOP's exclusive custody authority), 18 U.S.C. § 3585 (computation of federal sentence, which depends on continuous federal custody), and 18 U.S.C. § 3632 (First Step Act earned time credit program, which requires participation in BOP-designated programming).

The transport order, if enforced, would have: interrupted the execution of Appellant's federal sentence; halted the accrual of federal custody time; disrupted Appellant's participation in federally mandated programming tied directly to his earned time credits and release eligibility; and potentially exposed Appellant to known safety risks at the White County Jail — the very facility named as a defendant in his civil rights petition. Each of these consequences flows directly from a conflict between the state court's order and controlling federal law. Under the Supremacy Clause, the state court order must yield.

The conflict here is direct and irreconcilable. Federal law commands that the BOP control the designation and movement of federal prisoners. The state court order commanded that

a federal prisoner be moved without BOP authorization. These two directives cannot coexist. Under the Supremacy Clause, the federal mandate prevails, and the state court order is a legal nullity. This Court should so hold and should reverse any consequence — including dismissal — that flows from the state court's reliance upon an order that the Constitution of the United States renders void.

**POINT III: THE TRANSPORT ORDER THREATENED COGNIZABLE, IRREPARABLE
LIBERTY INTERESTS — INCLUDING FIRST STEP ACT CREDITS, RELEASE ELIGIBILITY,
AND PERSONAL SAFETY**

The First Step Act, 18 U.S.C. § 3632, provides federal prisoners with earned time credits for successful participation in evidence-based recidivism reduction programs and productive activities. These credits directly affect a prisoner's eligibility for early release to home confinement under 18 U.S.C. § 3624(g). Once lost — through removal from programming, disciplinary action resulting from noncompliance with a void transport order, or interruption of the federal sentence computation — these credits and the release opportunities they generate cannot be fully restored.

At the time the transport order was entered, Appellant was actively engaged in federally mandated programming and was within a period where release to home confinement was approaching. Compliance with the state court's transport order would have required disruption of this programming with immediate and irreversible consequences. This constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (the loss of constitutional freedoms and cognizable liberty interests, for even minimal periods of time, unquestionably constitutes irreparable injury). *Preiser v. Rodriguez*, 411 U.S. 475 (1973)

(loss of a prisoner's liberty interest constitutes irreparable harm for purposes of injunctive relief analysis).

Additionally, Appellant had previously suffered documented harm while housed at the White County Jail. That facility is a named defendant in this very action. Returning Appellant to that facility to participate in litigation against it would have placed him in the direct custody of parties who are adverse to him in pending civil rights litigation — a conflict creating an obvious and irremediable safety risk that, by its nature, could not be undone after the fact. A prisoner who is injured or retaliated against by the very custodians he is suing cannot be made whole by any post-hoc remedy. The safety risk alone constituted irreparable harm sufficient to warrant vacating the transport order.

The transport order must be reversed, and this Court should declare that the resulting dismissal — which flowed from Appellant's constitutionally and legally compelled inability to comply with that order — cannot stand.

POINT IV: THE DISMISSAL FOR FAILURE TO APPEAR WAS AN ABUSE OF DISCRETION WHERE APPELLANT'S ABSENCE WAS CAUSED BY FEDERAL CUSTODY, WHERE HE REPEATEDLY NOTIFIED THE COURT, AND WHERE NO LESSER ALTERNATIVE WAS CONSIDERED

Arkansas Rule of Civil Procedure 41(b) authorizes dismissal for failure to prosecute or to comply with a court order, but only in circumstances where the plaintiff's failure reflects willfulness, bad faith, or contumacious conduct — or where lesser sanctions would be insufficient to address the failure. The Arkansas Supreme Court has consistently held that dismissal is the most extreme sanction available and should not be imposed where the

failure to appear results from circumstances beyond the party's control. *Carroll v. Carroll*, 2022 Ark. 80.

In this case, the record establishes beyond dispute that:

1. Appellant was confined in federal custody at all times relevant to the May 14, 2026 hearing.
2. Appellant had no ability to transport himself to the courthouse under any circumstances. His appearance was entirely dependent upon authorization from federal authorities.
3. The BOP expressly declined to honor the circuit court's transport request for independently stated reasons of security and federal custody management.
4. Appellant repeatedly and timely notified the circuit court of his incarceration, the BOP's declination, and his inability to appear. He filed multiple motions seeking accommodations.
5. Appellant never abandoned his claims. He prosecuted this case actively through written filings, notices, emergency motions, and appellate submissions — demonstrating exactly the opposite of the bad faith or abandonment that justifies dismissal.
6. The circuit court had readily available alternatives that would have allowed the litigation to proceed without requiring Appellant's physical presence: telephonic appearance; video appearance via facilities available at federal correctional facilities; a continuance pending resolution of the custody issue; a stay of the circuit court proceedings pending the BOP's consent; or appointment of a representative to appear on Appellant's behalf.

7. The dismissal order contains no analysis of any of these factors. It contains no finding of willfulness. It contains no finding of bad faith. It contains no finding of prejudice to the defendants. It does not explain why lesser alternatives were inadequate.

A dismissal order entered on these facts, with no analysis and no consideration of lesser alternatives, is a textbook abuse of discretion. The strong policy of Arkansas law favoring adjudication on the merits reinforces the conclusion that dismissal was unwarranted and must be reversed. Ark. R. App. P.–Civ. 1.

Applying the *Mathews v. Eldridge* balancing framework, 424 U.S. 319 (1976), each factor favors Appellant. The private interest — the right to have serious civil rights claims heard on their merits — is substantial. The risk of erroneous deprivation through dismissal without findings is high; indeed, it is certain on these facts. And the government's interest in docket efficiency does not justify the permanent extinction of meritorious claims belonging to a litigant whose only failure was being confined in federal custody. The *Mathews* analysis, applied to the procedural posture of this dismissal, compels reversal.

This Court should reverse the Order of Dismissal entered June 5, 2026, and remand with instructions to reinstate Appellant's petition and provide reasonable accommodations for his participation consistent with his custodial status and his rights as a pro se litigant.

POINT V: APPELLANT WAS DENIED MEANINGFUL ACCESS TO THE COURTS AND DUE PROCESS OF LAW THROUGHOUT THESE PROCEEDINGS

The constitutional right of access to the courts is well established. *Bounds v. Smith*, 430 U.S. 817 (1977). The procedural due process guarantees of the Fourteenth Amendment and Article 2, Section 8 of the Arkansas Constitution require, at minimum, that a litigant be given

notice and a meaningful opportunity to be heard before his claims are terminated. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). A "meaningful opportunity to be heard" is not satisfied by permitting a prisoner to mail letters that go unread and unruled upon while proceedings march forward toward dismissal.

Throughout these proceedings, Appellant encountered a systematic and compounding denial of meaningful participation:

First, the circuit court failed to rule on any of Appellant's emergency motions, leaving him without guidance, without accommodation, and without any mechanism to participate in the proceedings below. The failure to rule upon emergency motions filed by a pro se prisoner whose appearance was at issue — motions specifically directed at the very procedural predicament that culminated in dismissal — is itself a denial of due process. When a court possesses the authority to grant relief from an impossible situation and refuses to exercise it, the resulting injury to the litigant cannot be attributed to his own inaction.

Second, White County Clerk's Office personnel repeatedly refused to file documents submitted by Appellant's wife and refused to provide certified copies of orders necessary for appellate compliance. This obstruction directly impaired Appellant's ability to comply with the appellate procedural requirements of this Court. The right of access to the courts comprehends not merely the formal availability of a judicial forum but the practical ability to file papers, obtain records, and participate in the processes of litigation. *Bounds v. Smith*, 430 U.S. 817. Obstruction by court ministerial personnel falls squarely within the denial of that right.

Third, the circuit court's imposition of an unenforceable transport order — which the BOP could not honor — and its subsequent dismissal for noncompliance with that order placed

Appellant in an impossible position: appear without federal authorization (which he could not do) or face dismissal of his claims. That is not a choice. It is an impossibility dressed as a judicial directive. A dismissal that results from a litigant's failure to accomplish a legal impossibility does not comport with due process under any standard of review. *Hicks v. State*, 2009 Ark. 86.

Fourth, the circuit court dismissed the action while matters were actively pending before this appellate Court — a sequence of events that further frustrated meaningful review and compounds the constitutional injury.

When a court's own procedures make it impossible for a litigant to participate, and then punishes the litigant for failing to participate, due process has been violated. The dismissal must be reversed and this matter remanded for proceedings that accommodate Appellant's status as a pro se litigant and afford him the constitutionally guaranteed opportunity to be heard on the merits of his claims.

SUPPLEMENTAL STATEMENT REGARDING MOOTNESS

Appellees may argue that this appeal is moot because: (a) the transport order has not been enforced; or (b) Appellant has transitioned out of active federal incarceration. Neither argument is availing.

First, the dismissal order — entered June 5, 2026, and now on appeal — is not moot under any theory. Appellant's claims were dismissed. They have not been heard on the merits. Reversal and remand remain fully available and meaningful remedies. An appeal of a

dismissal order presents a live controversy so long as the underlying action has not been adjudicated on the merits, and it plainly has not been here.

Second, with respect to the transport order: even if the immediate threat of transport has passed due to Appellant's custodial transition, the validity of the transport order remains a live issue for several reasons. First, the transport order is part of the record of a proceeding that culminated in an unlawful dismissal, and its validity is directly relevant to the propriety of that dismissal. Second, the legal questions presented — whether state circuit courts may issue civil transport writs over federal prisoners without federal consent — are capable of repetition yet evading review, affecting every federal prisoner in Arkansas who has or may bring state civil rights claims. The capable-of-repetition exception to the mootness doctrine applies with full force. Third, the transport order's legal invalidity is not merely academic; it is the central reason why the dismissal was unwarranted and must be reversed.

Third, Appellant's civil rights claims against the White County Jail and related defendants remain entirely unresolved and present live controversies that require adjudication. The underlying petition is neither moot nor frivolous. It was dismissed without a single substantive finding on the merits. Reversal is necessary to restore Appellant's ability to prosecute those claims — claims that belong to him, that he filed in good faith, and that were extinguished not through adjudication but through procedural impossibility.

For all of these reasons, this appeal is not moot, and this Court possesses full authority and responsibility to reach the merits of each issue presented.

CONCLUSION

Jason Matthew Lynch did everything a pro se prisoner could do. He filed his petition. He notified the court of his confinement. He filed emergency motions. He sought accommodations. He appealed. He briefed. He persisted. And at every turn, he was met with unenforceable orders, unanswered motions, obstruction at the clerk's office, and ultimately dismissal for failing to appear at a hearing he was physically incapable of attending.

The issues in this appeal are not close questions. A state circuit court cannot compel the removal of a federal prisoner from federal custody without federal consent. *Ponzi v. Fessenden*, 258 U.S. 254 (1922); *United States v. Mauro*, 436 U.S. 340 (1978). The Bureau of Prisons said no. The transport order became void when the federal sovereign refused to yield. The Supremacy Clause makes this result mandatory, not discretionary. And a dismissal that punishes a litigant for failing to comply with a void, unenforceable order — without making any findings and without considering any alternatives — is an abuse of discretion that cannot stand under Arkansas law or the Constitution of the United States.

Appellant does not ask this Court for special treatment. He asks for what every litigant is entitled to under the law: a fair opportunity to be heard. That opportunity was denied below. This Court has the power and the obligation to restore it.

REQUEST FOR RELIEF

WHEREFORE, Appellant Jason Matthew Lynch respectfully requests that this Court:

1. Accept this Amended and Substitute Brief in lieu of or in addition to the original brief filed June 8, 2026;

2. REVERSE the Transport Order entered April 7, 2026, and declare it void as exceeding the circuit court's authority and in violation of the Supremacy Clause and controlling federal law;
3. REVERSE the Order of Dismissal entered June 5, 2026, as an abuse of discretion and a violation of Appellant's due process rights;
4. REMAND this matter to the White County Circuit Court with instructions to:
 - a. Reinstate Appellant's Petition for Declaratory Judgment and Injunctive Relief;
 - b. Provide Appellant with reasonable accommodations for participation, including telephonic or video appearance, consistent with his status as a pro se litigant;
 - c. Enter a scheduling order that affords Appellant adequate time to prepare and participate in proceedings; and
 - d. Ensure that Appellant's filings are accepted and processed by the White County Clerk's Office without obstruction;
5. In the alternative, direct the circuit court to provide an evidentiary hearing on the merits of the dismissal and the transport order, with a full record; and
6. Award such other and further relief as this Court deems just, equitable, and consistent with the Constitution and laws of the United States and the State of Arkansas.

CERTIFICATE OF COMPLIANCE

I, Jason Matthew Lynch, certify that this Amended and Substitute Brief has been prepared in good faith, with reasonable effort to comply with the formatting, organization, and substantive requirements of the Arkansas Supreme Court Rules governing appellate briefs, including *In Re Acceptance of Records on Appeal in Electronic Format and Elimination of the Abstracting and Addendum Requirements*, 2019 Ark. 213. To the extent any technical nonconformity remains, Appellant respectfully requests an opportunity to cure as set forth in the accompanying motion.

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se

Register No. 07405-510

261 Wilson Loop, Ward, AR 72176

June 18, 2026

CERTIFICATE OF SERVICE

I, Jason Matthew Lynch, hereby certify that on June 18, 2026, a true and correct copy of the foregoing Amended and Substitute Brief of Appellant was served upon Appellees' counsel of record by United States mail or prison legal mail system at their address(es) of record, and that a copy was submitted to the Arkansas Supreme Court Clerk's Office via the applicable filing method for pro se parties.

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se

Register No. 07405-510

261 Wilson Loop, Ward, AR 72176

June 18, 2026
