

TRULINCS 07405510 - LYNCH, JASON M - Unit: ERE-D-A

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 14 2025

SUBJECT: RE: Response to Denial orders
DATE: 11/07/2025 01:06:04 PM

TAMMY H. DOWNS, CLERK
By: 
DEP CLERK

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

CENTRAL DIVISION

Jason Matthew Lynch,
Plaintiff, pro se
Federal Reg. No. 07405-510

v.
Does, et al. (White County Jail, Sheriff Edwards, TurnKey Health, and affiliated staff)
Defendants.

Case No. 4:24-cv-00740-LPR-BBM

PLAINTIFF'S RESPONSE AND OBJECTIONS

TO MAGISTRATE JUDGE'S ORDERS DENYING MOTIONS

(DOCS. 56, 61, 62, and 67)

AND REQUEST FOR RECONSIDERATION OR DISTRICT COURT REVIEW

INTRODUCTION

Comes now, the Plaintiff, Jason Matthew Lynch, pro se, and respectfully submits this Response and Objections to the Court's Order dated October 23, 2025, denying Plaintiff's Motions (Docs. 56, 61, 62, and 67). This Response is not made in defiance or disrespect to the Court, but from necessity to ensure that the factual record remains clear and preserved for future litigation and possible review under Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1)(C).

Plaintiff acknowledges his limited legal understanding and respectfully requests the Court's patience and continued liberal construction of all pleadings as required under *Haines v. Kerner*, 404 U.S. 519 (1972), and *Erickson v. Pardus*, 551 U.S. 89 (2007).

The Plaintiff has at all times acted respectfully and in good faith, seeking only preservation of evidence, full discovery, and protection of his constitutional rights under 42 U.S.C. §§ 1981, 1983, and 1985, the Eighth and Fourteenth Amendments, and the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).

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and case law that you can . The response and objections is for orders denying Motions 56, 61, 62, 67 on 10-23-25 . I pray the court will and very least enter into record my response; this response is not out of defiance, disrespect, or anything Response ;but one of necessity to keep the facts clear for future legation needs and/or future review if needed.

First and foremost the word "demand" in the phrase "There are four pending motions that demand the courts attention" I would never demand anything from the court, I am just not that person. Plus I have more respect for the Courts than that. I have submitted a lot and maybe even been pressing at times but solely due to the urgent need to "preserve" and the lack of my understanding of how all this works. However I am learning as we move forward. So please understand i have never demanded nor would i ever do so. I respect this court and its process, but humbly and respectfully pray for its understanding and help.

I refiled my TAC (third amended complaint) (Doc 45))and explained everything the best i could in the best way i knew how at the time of that filing. I am sorry to have made that so long but without doing so i feel as if the court would again say my claims were naked. also Yes the claims are the same and listed defendants are the same.

To reply to foot note on page one of Doc 68 - I can not add the rest of the defendants till a full discovery has been done and that time I will be able to amend my complaint to add the unlisted defendants. at this time I do know there names or even there jobs just that they were Guards and staff and that is why a roster has been requested in my discovery request.

denial of my "motion for reconsideration" doc 56 filed 7-22 of the original "motion to preserve" filed in 2-06-2025. on page 2 of doc 68 under motion to reconsider. Nowhere did i ever receive any communication stating that the court requested or even wanted a reason to the Motions to preserve evidence; or i would have been more detailed in my text. here now please allow me to do so so the records is clear. The main reason to preserve is the threat of spoilage that was clearly given by defendant Edwards. The 2nd reason is the time frame in which to maintain records which i have now found out that is by Arkansas state law 3 years on non medical and 5 years on medical, not the 1 year as i has previously thought . This reason and request is not Moot. and what needs to be preserved is the Grievances, requests, and video footage. all 3 of this will keep this case from becoming a "He said" type of legation. as stated this evidence is the true back bone of my case. and with out it it will make it had but i have 16 whiteness i can call, have already singed that all is true in Doc 1. in Doc 68 page 2 paragraph 2 i use the word "ALL" describing the grievances, request/communications and footage pertaining my myself. Not as is "ALL" as in broad and sweeping term. If the courts act now and order the preservation of the Video, Kiosk communications (Which is grievances and inmate to staff request) it will Prove every claim i make, keep the the court from having to call 16 witness that are in other prison and even been released (will take time to locate them all) further in my original motion to reserve i went into great detail as to why this motions to preserve evidence was needed and why it should be granted. I list over 15 different compelling reasons each motions. This evidence seeking to be preserved are the video and kiosk communications. Further and last on Page one of Doc 49 and end of paragraph one I asked for Video and written communications to be saved, I then listed 14 compelling reason why this was needed. Then on Doc 56 (Motion to reconsider motions 19, 21, and 49) I listed 15 more compelling reasons why this evidence was needed, how it was pertained to this case, and the potential for irreparable harm.. in Doc 56 page one paragraph 2 and 4 I also stated what was needed to be saved and why in short clear words! Thus in responding to the courts words on the Orders of Doc 68 on page 2 paragraph 2 I did list the specific evidence and i did explain the relevance of the evidence I am requesting to be preserved.

denial of my "Motion to survive judicial Screening" doc 62 - Being pro se I thought the court would construe and construct my pleadings to my favor to best understanding of the court. The motion to survive listed the claims that any persons should be able to see in my TAC. This motion considered with my TAC was not full of naked assertion's, it listed just want very least was meritable. it was only meant to aid in the findings that there are factual claims and merit to this case as whole, so the case could move forward. my motion to survive judicial screening only supports my factual claims in my TAC it does not make general unsupported claims and allegations.

denial of my "motion for discovery" doc 61 this was what i am asking to court to consider, i did not circumvent the court and send this to white county. The court sending a copy of this order is the FIRST AND ONLY communications Edwards has had about this case. the only thing i have sent is 4 different FOIS request. nothing more! as in the email sent to judge more the court has not alerted white county jail and given them advance warning of this case thus allowing them to further spoil evidence and given them more time than normal to respond or prepare. I fear this early notice to Edwards is unfair and allowing them to change, or alter records, I fear this grave potential for irreparable harm.

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in closing, my health is in severe measurable decline; a clinical detraction in clearly traceable to actions of white county and its staff, By the Blood work over the past 8mo taken by the BOP i am in catastrophic immune system collapse due to denial of my ART while at white county jail. I'm only getting worse, this undue delay in moving this case forward is only harming my case. as its hard to remember things from years past. my illness does cause memory loss and cognitive decline. by the clear terms of my BOP lab work i am in a medical emergency state and need advanced treatment. White county directly caused this. Edwards meant to cause me harm. Medical and staff knew of the risk to my further life and did not care. I am : an immunocompromised inmate that facing end stage complete immune system collapse due the direct actions that caused my great lasting bodily harm and years of my future life.

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I. CLARIFICATION REGARDING "DEMAND"

On page 1 of Doc. 68, the Court used the term "demand" in referencing Plaintiff's filings. Plaintiff respectfully clarifies that he has never demanded anything from this Honorable Court. Any perceived insistence arises solely from the urgent need to preserve constitutional rights and evidence critical to this case.

Plaintiff deeply respects the Court and prays that his actions be understood as attempts to ensure the integrity of the record, not as disrespect or impatience.

II. RESPONSE AND OBJECTION TO DENIAL OF MOTION TO PRESERVE EVIDENCE (DOC. 56)

Plaintiff's Motion to Preserve Evidence (Doc. 19) and Motion for Reconsideration (Doc. 56) sought narrowly-defined materials essential to the truth-finding process specifically, grievances, inmate requests/kiosk communications, and video footage related to events between June 9, 2024, and September 9, 2024, while Plaintiff was confined in White County Jail.

A. Legal Standard

Federal courts have inherent authority to order preservation of relevant evidence when there is a credible risk of destruction. *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583 (4th Cir. 2001); *Pueblo of Laguna v. United States*, 60 Fed. Cl. 133 (2004). Courts routinely grant preservation where evidence is central to claims of constitutional violations or where one party controls the data. *Capellupo v. FMC Corp.*, 126 F.R.D. 545 (D. Minn. 1989).

B. Threat of Spoliation

Defendant Sheriff Edwards explicitly threatened that grievances and footage "would be deleted." Under Fed. R. Civ. P. 37(e) and Ark. Code Ann. § 16-46-106, destruction of such evidence constitutes spoliation.

Arkansas law requires retention of non-medical records for three (3) years and medical records for five (5) refuting any assertion of mootness.

C. Relevance and Necessity

These records form the evidentiary backbone of Plaintiff's claims under 42 U.S.C. § 1983 for denial of medical care (*Estelle v. Gamble*, 429 U.S. 97 (1976)), deliberate indifference (*Farmer v. Brennan*, 511 U.S. 825 (1994)), and religious discrimination (*Cruz v. Beto*, 405 U.S. 319 (1972)).

Without this evidence, the matter devolves into a "he-said-she-said" conflict, depriving Plaintiff of meaningful review under Due Process principles.

Therefore, Plaintiff objects to the denial of his preservation motions and respectfully requests reconsideration. or alternatively, a limited preservation order to prevent irreparable harm.

III. OBJECTION TO DENIAL OF MOTION FOR DISCOVERY (DOC. 61)

Plaintiff's Motion for Discovery did not seek to bypass the Court's control of discovery under Fed. R. Civ. P. 26(d). Instead, it requested authorization to obtain the names, job titles, and records of individuals involved in his care and custody information that remains solely in Defendants' possession.

A. Legal Standard

Under Fed. R. Civ. P. 26(b)(1), discovery must be permitted where it is relevant to any party's claim or defense. Early discovery may be ordered where evidence faces imminent risk of loss. *Arista Records, LLC v. Doe 3*, 604 F.3d 110 (2d Cir. 2010).

B. Plaintiff's Good Faith

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Plaintiff never communicated directly with White County Jail or circumvented the Court. He submitted only lawful FOIA requests, not discovery demands. The only direct communication with Defendants arose from the Court's own transmission of orders thereby alerting Defendants prematurely and creating potential for alteration or destruction of key evidence.

C. Relevance to Future Amendment

Plaintiff's Third Amended Complaint (Doc. 45) identifies multiple "Doe" defendants. Without discovery, Plaintiff cannot ascertain their identities to amend under Fed. R. Civ. P. 15(a)(2). Courts favor such amendments, particularly for pro se civil rights litigants. *Gordon v. Leeke*, 574 F.2d 1147 (4th Cir. 1978); *Munz v. Parr*, 758 F.2d 1254 (8th Cir. 1985).

IV. OBJECTION TO DENIAL OF MOTION TO SURVIVE JUDICIAL SCREENING (DOC. 62)

A. Liberal Construction and Factual Basis

Plaintiff filed his Third Amended Complaint (TAC) (Doc. 45) in detailed form to ensure that claims were not "naked assertions." The TAC explicitly alleges violations of the Eighth Amendment, Fourteenth Amendment, 42 U.S.C. §§ 1981, 1983, 1985, and related tort and ADA claims.

Under *Haines v. Kerner* and *Erickson v. Pardus*, courts must construe pro se complaints liberally and accept all well-pleaded facts as true at the screening stage.

B. Non-Frivolous Constitutional Claims

Plaintiff alleged deliberate indifference to serious medical needs (*Estelle v. Farmer*), denial of access to religious practice (*Cruz, Turner v. Safley*, 482 U.S. 78 (1987)), and interference with legal mail (*Bounds v. Smith*, 430 U.S. 817 (1977)). Each claim is constitutionally anchored and supported by factual allegations sufficient to survive preliminary screening under 28 U.S.C. § 1915A(b).

Thus, denial of the motion to survive screening was improper and contrary to pro se precedent.

V. PLAINTIFF'S HEALTH CONDITION AND EQUITABLE CONSIDERATIONS

Plaintiff's medical decline is documented through BOP laboratory reports showing catastrophic immune collapse following denial of antiretroviral therapy (*Biktarvy*) during incarceration in White County Jail (6/9/24 - 9/9/24).

This constitutes ongoing cruel and unusual punishment under *Estelle v. Gamble*, and deliberate indifference under *Farmer v. Brennan*. The Eighth Circuit recognizes medical neglect causing deterioration as actionable. *Robinson v. Hager*, 292 F.3d 560 (8th Cir. 2002).

Plaintiff's declining cognitive and physical condition impairs his ability to litigate without prompt preservation of the record and relevant evidence.

VI. REQUEST FOR RECONSIDERATION AND DISTRICT JUDGE REVIEW

Pursuant to Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1)(C), Plaintiff respectfully objects to and seeks reconsideration of the Magistrate Judge's October 23, 2025 Order (Doc. 68) denying Docs. 56, 61, 62, and 67.

Alternatively, Plaintiff requests de novo review by the Honorable District Judge Lee P. Rudofsky, and that this Response be entered into the official record.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jason Matthew Lynch, pro se, respectfully prays that this Honorable Court:

1. Reconsider and/or vacate its Order denying Plaintiff's Motions (Docs. 56, 61, 62, and 67);
2. Grant limited Preservation of Evidence (video, grievances, and inmate request logs);
3. Permit early Discovery sufficient to identify unknown defendants;
4. Allow amendment under Fed. R. Civ. P. 15(a) following discovery;
5. Recognize the factual sufficiency of Plaintiff's Third Amended Complaint; and
6. Enter this Response and Objection into the record for purposes of appellate review.

Respectfully submitted this 11 day of NOV, 2025.

/s/ Jason Matthew Lynch
Jason Matthew Lynch, Pro Se Plaintiff
Federal Reg. No. 07405-510

A handwritten signature in black ink that reads "Jason Matthew Lynch". The signature is written in a cursive, flowing style.