

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JASON LYNCH
Reg #07405-510

PLAINTIFF

V.

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

DOES, Sheriff; Mail Room Clerk; Front
Desk Clerk; Head Nurse; Pill Nurse 1,
Melody; PM Pill Nurse, Heather; White
County Jail Admin; Nurse F; Pill Nurse 2–3;
CLAYNTON EDWARDS, Captain; ROSS,
Lt.; SWINDLE, Sgt.; WORKMAN, Sgt.;
ROGERS, Sgt.; WOOD, CO; SCILER,
Sgt.; JONES, CO; GOODWIN, CO;
YAGGER, Front Desk Clerk; ASHLEY
WATTS, Nurse; KATYNN SMITH, Nurse;
MAT OUIE, PM Pill Nurse; WHITE
COUNTY COMM; HUGHES, Lt.; LONG,
Deputy; MARTIN, CO; and TURNKEY,
Medical Contractor

DEFENDANTS

PARTIAL RECOMMENDED DISPOSITION

The following Partial Recommended Disposition (“Recommendation”) has been sent to United States District Judge Lee P. Rudofsky. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the date of this Recommendation. If you do not file objections, Judge Rudofsky may adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may waive the right to appeal questions of fact.

I. INTRODUCTION

On August 30, 2024, Plaintiff Jason Lynch (“Lynch”), a prisoner then-incarcerated in the White County Detention Center (“WCDC”), filed, *pro se*, an unsigned seven-page Complaint. ([Doc. 1](#)). A slew of Addenda, Amended Complaints, purported “Amicus Briefs,” and Notices followed. (Docs 3, 6, 7, 8, 11, 12, 14, 15, 17, 20, 24). The Court conducted an initial screening of those 12 documents pursuant to the Prison Litigation Reform Act (“PLRA”)¹ and noted several deficiencies—namely, that Lynch’s lengthy and meandering pleadings improperly joined claims and did not comply [Federal Rule of Civil Procedure 8](#). ([Doc. 29](#)). Lynch was given leave to file an amended complaint and placed on notice that an amended pleading would supersede his previous Complaint. *Id.* at 16 (citing *In re Atlas Lines, Inc.*, [209 F.3d 1064, 1067](#) (8th Cir. 2000)).

On January 21, 2025, Lynch filed a 171-page Third Amended Complaint. ([Doc. 45](#)). As an initial matter, the Third Amendment Complaint still does not comply with Rule 8 of the Federal Rules of Civil Procedure, which requires claims to be asserted in a “short and plain statement” that is “simple, concise, and direct.” [FED. R. CIV. P. 8\(a\)\(2\)](#) and (d)(1).²

¹ The PLRA requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. [28 U.S.C. § 1915A\(a\)](#). The Court must dismiss a complaint or a portion thereof if the prisoner has raised claims that: (a) are legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from such relief. *Id.* § 1915A(b). When making this determination, the Court must accept the truth of the factual allegations contained in the complaint, and it may consider the documents attached to the complaint. *Ashcroft v. Iqbal*, [556 U.S. 662, 678](#) (2009); *Reynolds v. Dormire*, [636 F.3d 976, 979](#) (8th Cir. 2011).

² Because Lynch failed to comply with the Federal Rules of Civil Procedure, this case may be summarily dismissed. *See Cody v. Loen*, [468 F. App’x 644, 645](#) (8th Cir. 2012) (citing Rule 8 and affirming dismissal of pro se prisoner’s 75-page fourth amended complaint that repeatedly referenced earlier-filed documents and 260 exhibits, and contained numerous “unrelated or overlapping” claims); *Williams v. Harmon*, [294 F. App’x 243, 245](#) (8th Cir. 2008) (affirming the preservice dismissal, under Rule 8, of a pro se prisoner’s “rambling” 41-page complaint containing 303 exhibits); *Chandler v. Pogue*, [56 F. App’x 756](#)

Regardless, the Court proceeds with screening Lynch’s allegations, some of which are sufficiently related to proceed in a single action, and only some of those state sufficiently a claim for relief.

II. ALLEGATIONS

In his Third Amended Complaint, Lynch alleges that the named Defendants—Captain Edwards (“Edwards”), Lt. Ross, Lt. Hughes, Nurse Ashley Watts, Nurse Katlynn Spence or Smith, Sgt. Workman, Sgt. Rogers, Sgt. Sciler, Sgt. Swindle, Deputy Long, CO Woods, CO Martin, CO Goodwin, and Turnkey—and the Doe Defendants—Sheriff, Mail Room Clerk, Head Nurse, Pill Nurses 1, 2, and 3, Nurse F, WCDC Admin., and White County Comm.—conspired to “make life hell” during Lynch’s three-month incarceration in the WCDC. ([Doc. 45 at 8, 79](#)). The alleged conspiracy came in the form of various alleged constitutional and statutory violations, including retaliation, excessive force, failure to protect, inadequate medical care, unacceptable conditions of confinement, and HIPAA violations. *See* ([Doc. 45 at 12–24](#)). Although Lynch’s allegations are all *loosely* related, they can be divided into three groups: (A) inadequate medical care for Lynch’s chronic-care issues and the related conspiracy and retaliation against Lynch; (B) conditions of confinement applying to all WCDC inmates and the resulting health and safety concerns; and (C) religious infringement.

(8th Cir. 2003) (holding that a trial court did not abuse its discretion when it dismissed a pro se prisoner’s complaint that failed to comply with Rule 8).

A. Inadequate Medical Care for HIV and Related Conspiracy and Retaliation

Lynch has been diagnosed with HIV. ([Doc. 45 at 18](#)). But, for years, he was asymptomatic and undetectable due to his prescription for Biktarvy. *Id.*

When Lynch was booked in at the WCDC on June 9, 2024, he was not provided a health intake or screening. ([Doc. 45 at 48–49](#)). Lynch informed the intake officers that he was taking Biktarvy for HIV and that he needed to take it daily to avoid “significant injury.” *Id.* at 15, 49. As far as Lynch could tell, the officers did not take any notes or make any entries on his medical chart. *Id.* at 49. A strip and visual body-cavity search were also conducted. *Id.* at 43. Though, Lynch believes other inmates were searched via “body scanner.” *Id.*

The next day, June 10, Lynch’s family dropped off two unopened bottles of Biktarvy, containing 30 pills apiece, and costing \$3,300 per bottle. ([Doc. 45 at 15, 48, 52, 55–56](#)). Lynch’s family tried to tell the front desk clerk about the risk to Lynch’s health if he did not receive his medication, but they were “blown off” and told to just drop off the medication. *Id.* at 49.

On June 11, non-defendant Nurse Melody³ told Lynch at pill call that she did not have any medication for him. ([Doc. 45 at 16, 50–51](#)). When Lynch explained that the medication had been dropped off and what it was for, Nurse Melody searched the medicine drop-box and found Lynch’s prescription. *Id.* at 16. However, she could not give the

³ Although Nurse Melody was named as a Defendant in earlier pleadings, Lynch states that he no longer wishes to name her as a Defendant. ([Doc. 45 at 102](#)).

medication to Lynch because it had not yet been approved by Nurse Ashley Watts. *Id.* at 16, 87. So, Lynch began filing medical requests and grievances to Nurse Watts. *Id.* at 16.

At pill call on June 12, Nurse Heather Spence⁴ told Lynch that he still had no medication, and there was nothing she could do. ([Doc. 45 at 51](#)). On June 13, Lynch's medication was still not available at pill call. *Id.* Lynch filed a grievance with Captain Edwards, who responded that Lynch should "stop bugging his staff." *Id.* Lynch appealed the grievance, to which Edwards simply responded, "Noted." *Id.* at 51–52.

On June 15, Lynch's attorney from another matter called Edwards to discuss Lynch's lack of medication. ([Doc. 45 at 16–17](#)). Lynch does not know the specifics of that conversation, but, afterwards, Lynch's attorney told him to "ask for and file a prisoner complaint" and to sue Edwards. *Id.* at 17. Lynch put in a request for a complaint form, along with more medical requests. *Id.* Lynch believes that doing so placed him at the center of a conspiracy between WDCD staff to retaliate against Lynch and violate his constitutional rights. *Id.*

Specifically, Lynch alleges that, shortly after his attorney called, Edwards had a "closed[-]door" meeting with all WDCD staff. ([Doc. 45 at 70](#)). Unnamed staff and correctional officers informed Lynch of the meeting, during which Edwards allegedly directed them to "make [Lynch's] life hell, shake [him] down, and give [him] nothing." *Id.*

⁴ Lynch names this Defendant as "Heather Spence or Smith." ([Doc. 45 at 8, 102](#)). But, throughout the Third Amended Complaint, he primarily refers to her as "Spence." *See, e.g., id.* at 20, 51, 57, 82. For simplicity's sake, the Court will follow suit.

On June 20, Edwards instated a policy and practice of crushing all medication given to inmates, including Lynch's Biktarvy. ([Doc. 45 at 52, 83](#)). Lynch filed a grievance about the crushed medication, but "Edwards stated all medical care was done by medical staff." *Id.* at 52. When Lynch spoke to "medical," they responded that Edwards had ordered them to crush everything. *Id.* at 53. Lynch filed a second grievance. *Id.* Edwards responded that he did not care and that Lynch's medicine would be crushed. *Id.* Lynch filed a third grievance, claiming that the crushed medication was causing him to vomit and his mouth and insides to burn. *Id.* at 54–55, 84. Edwards responded "so" and "noted." *Id.* Lynch appealed, but Edwards responded that the crushed medication was not making Lynch sick, and it was "all in [Lynch's] head." *Id.* at 54–55. Lynch wrote to the Sheriff about the crushed medication, and the Sheriff promised to talk with Edwards. *Id.* at 85. Edwards told the Sheriff that he spoke with Lynch's doctor and crushing the Biktarvy was not causing Lynch any harm. *Id.*

On August 13, Lynch was transported to court. ([Doc. 45 at 71–72](#)). Lynch's wife was also present as a defendant in another case. *See id.* at 34–35; 71–72. According to Lynch, Edwards directed his correctional officers and the court staff to call Lynch first on the docket and to have his wife called last. *Id.* at 71, 106. This caused Lynch's wife to sit in court all day from 7:45 am to 8:30 pm, even though Lynch and his wife "were on the docket together." *Id.* at 71–72, 106.

At some point, Lynch began writing letters to, among others, the ACLU, OIG, DOJ, FBI, state governor, attorney general, law firms, and the local news. ([Doc. 45 at 41–42, 73](#)). But Edwards had Lt. Ross send out an email to WCDC staff, directing them to no

longer accept or sign for Lynch's legal mail. *Id.* Lynch believe his mail was censored "14 different times simply to eliminate unflattering or unwelcome opinions" about the WCDC. *Id.* at 32–34. Lynch also claims that "communication with this very court" was blocked. *Id.* at 40. Edwards, Lt. Ross, CO Goodwin, Sgt. Sciler, and the Doe mail room clerk⁵ are the Defendants alleged to have blocked Lynch's mail. *Id.* at 37, 40, 42, 103. Lynch was informed of Lt. Ross's email on August 14 by correctional officers White and Wilburn and Lts. Sciler and Woody.⁶ *Id.* at 73. And, at some point, "Jones [and] Sciler admitted [Lynch's] legal mail was being intercepted by Edwards." *Id.* at 40.

Also, on August 14, Lynch ran out of toilet paper. (Doc. 45 at 67, 103). He asked CO Wood for toilet paper, but Wood responded that, because of Lynch's complaint and grievances, Lynch could "use [his] hand." *Id.* Lynch did not receive toilet paper for over twenty hours. *Id.* at 24.

Lynch alleges that five shakedowns occurred in F-Pod over a six-week period. (Doc. 45 at 71, 76–77, 79). The shakedowns were conducted by Sgts. Rogers and Swindle, and CO Wood at Edwards's orders. *Id.* at 79. And Rogers and Swindle told the pod that it was Lynch's fault, which caused Lynch to get "jumped" and hurt. *Id.* at 71, 76–77, 79. Strip and visual cavity searches were conducted on Lynch during four of the shakedowns. *Id.* at 43.

⁵ Lynch also alleges that "Jones" and "White" were involved in blocking his mail and communications with the Court. (Doc. 45 at 40). But he does not name either of those persons as Defendants in the Third Amended Complaint. *See id.* at 8, ¶ 6.

⁶ Lynch refers to a "CO Woods," a "CO Wood," and a "Sgt. Woody" throughout the Third Amended Complaint. *See, e.g.* (Doc. 45 at 8, 63, 73–74). It is unclear if these are the same person.

During the August 15 shakedown, Lynch attempted to “secure all [his] legal matters.” (Doc. 45 at 35–36). When he did so, Rogers, without giving Lynch a direct order, grabbed Lynch by the arm and removed him from the cell. *Id.* Rogers then began to go through Lynch’s legal papers, holding each page in front of his body camera. *Id.* Sgt. Workman and Lt. Hughes were also present during the shakedown. *Id.* at 36. Afterwards, Lynch was “hurt and bruised” from Roger’s use of force. *Id.* at 35.

On unspecified dates, Lynch’s requests for a § 1983 complaint form were denied. (Doc. 45 at 33). On August 16, 2024, eight forms were provided to Lynch’s wife instead. *Id.* Also on unspecified dates, the law library was not working on the kiosk. *Id.* at 34. Lynch claims this stymied his ability to attack directly or collaterally his and his wife’s court cases, and his motions became “time barred.” *Id.* at 34–35.

On August 19, Lynch’s barracks, “F Pod,” was not provided yard call. (Doc. 45 at 68). Rogers, Swindle, and Workman told the F Pod inmates that other pods were getting yard call, but F Pod was not because they were mad at Lynch. *Id.*

At some point, Lynch began submitting medical requests to see a doctor for chronic care. (Doc. 45 at 28, 47, 54, 57, 87). According to Lynch, both the WCDC and Turnkey have a policy that chronic care inmates do not have to pay to see medical and that they may request to see a doctor for their chronic care needs at any time. *Id.* at 13. However, Watts and “Nurse F” repeatedly denied Lynch’s medical requests, stating that Lynch had to pay for sick call before he could be seen. *Id.* at 47, 57–58, 87, 100–101. Lynch claims this practice caused a significant delay in him being seen by a doctor. *Id.* at 48, 87, 100.

On August 30, Lynch was seen by a doctor for the first time at the WCDC. (Doc. 45 at 59). The doctor, employed by Turnkey, confirmed that Lynch's medication should not be crushed, only dissolved in orange juice. *Id.* at 20, 59.

Yet, the crushing of Lynch's medication continued. (Doc. 45 at 20, 59). Lynch estimates that his medication was crushed over 90 times by Nurse Spence, Nurse Watts, and Pill Nurses 1, 2, and 3. (Doc. 45 at 20–21, 60, 84). Each time, he only received a half dose of the medication, with the rest of the medication sticking to the bag and being thrown away. *Id.* at 20–21. And, each time, Lynch protested, explaining the harm that the medication was causing him and pointing out that Turnkey's own doctor said that the medication should not be crushed. *Id.* at 45, 60, 83–84.

Lynch also complains that Spence and Watts informed guards and other inmates of his medical conditions during pill call. (Doc. 45 at 82). And, on occasion, his medication was thrown out or provided to other inmates. *Id.* at 55. One of the bottles of medication dropped off by Lynch's family went missing, so the supply lasted only 28 days *Id.* at 52, 55–56. But Watts and Turnkey did not order more for Lynch. *Id.* at 56. Instead, each time Lynch needed more medication, Lynch's wife had to pay for it and drop it off. *Id.*

On August 23 or September 3, Lynch was transferred from F Pod to medical lockdown. (Doc. 45 at 63–64, 68, 74). Lynch alleges that it was Edwards's "direct order" that Lynch be transferred due to his medications and because he needed medical help. *Id.* at 44, 74. But other inmates on the same medication were not treated the same, and medical staff did not check on Lynch while he was in lockdown. *Id.* at 44, 74. Lynch believes

Edwards was retaliating against him for writing letters to government and state offices. *Id.* at 44, 46.

The cells and shower in medical lockdown “had human waste, blood, black mold everywhere.” (Doc. 45 at 44, 63). Lynch was forced to “eat in these nasty areas” and not provided cleaning supplies. *Id.* Lynch filed a grievance with the Sheriff, but the Sheriff responded that only Edwards could remove him from medical lockdown *Id.* at 44, 75.

By the time Lynch was transferred from the WCDC on September 7, 2024, the “mishandling” of his medication had taken its toll. (Doc. 45 at 6, 19, 76). Lynch claims that he now has advanced degeneration of his bones and teeth and pain in his bones and body. *Id.* at 19. He also claims that years have been taken off his life span. *Id.*

B. Conditions of Confinement and Resulting Health and Safety Concerns

Setting aside Lynch’s chronic care issues, Lynch suffered various other maladies as a result of the WCDC conditions of confinement. From June 10 to August 23, Lynch was housed in F Pod. (Doc. 45 at 62, 64–65, 68). The pod was overcrowded, so Lynch was forced to sleep on the floor in the day area, where sewage was leaking from the nearby shower and toilet area. *Id.* at 62. To keep the sewage from spreading, Lynch and other inmates used jumpsuits as a makeshift barrier. *Id.* As a result of being forced to sleep on the floor, Lynch developed a skin condition, but treatment was never provided. *Id.*

On June 28, Lynch paid an inmate for his bunk in cell F4. (Doc. 45 at 64). But the water in F4 was scalding hot, occasionally burning Lynch’s hands and leaving him with no cold, drinkable water. *Id.* at 65. The F4 cell door also did not lock, forcing Lynch to fight to keep his property from being stolen. *Id.* at 64.

Additionally, inmates in F Pod fought because there was only a single shower and kiosk for 35 inmates. (Doc. 45 at 63). The small 3-foot by 3-foot shower did not drain and was covered in mold. *Id.* This caused Lynch to develop breathing problems. *Id.* The only cleaning supply provided was floor cleaner. *Id.* at 27, 62. The location of the kiosk within the pod also forced “the dissemination of confidential medical information to non medical staff + inmates alike.” *Id.* at 82.

The guards and medical staff also refused to provide inmates toenail clippers. (Doc. 45 at 61, 66, 103). Lynch eventually developed an ingrown toenail. *Id.* at 66. To stop the pain, Lynch ripped off the toenail and treated it with floor cleaner. *Id.* at 61, 66.

C. Religious Infringement

Lynch complains of difficulty exercising his Catholic faith during his 3-month WCDC incarceration. For instance, there was no Catholic bible available to inmates, even though seven other bibles were available on the tablet. (Doc. 45 at 81). On July 15, Lynch’s mother sent him a Catholic bible through Amazon. *Id.* at 38. Although the delivery had been preapproved by Lt. Hughes, the front desk clerk, Yagger,⁷ and Edwards denied the book because it was pleather. *Id.* On July 18, Edwards instituted a ban on all books, even Catholic bibles. *Id.*

Lynch put in seven requests to see his church leader or another Catholic priest but was denied. (Doc. 45 at 39, 81). He was also denied Holy Communion and Catholic Service. *Id.* at 81. Even though Lynch was incarcerated in WCDC from June to September

⁷ Yagger, also previously listed as a Defendant, is not named as a party in the Third Amended Complaint. *See* (Doc. 45 at 8, ¶ 6).

2024, he also alleges he was denied a “religious diet for lent/Good or Holy Friday.” *Id.* at 81. Finally, on an unspecified date, Lynch alleges he started and led a daily prayer group, which “Edward did not like.” *Id.* at 12.

III. DISCUSSION

To survive pre-service screening under the PLRA, a “complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “[L]abels and conclusions,” a “formulaic recitation of the elements of a cause of action,” and “naked assertions devoid of further factual enhancement” are insufficient to plead a plausible claim. *Id.* Also, “[f]actual allegations must be enough to raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citation omitted). However, “[a] pro se complaint must be liberally construed,” and courts “should construe the complaint in a way that permits the layperson’s claim to be considered within the proper legal framework.” *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 849 (8th Cir. 2014) (cleaned up; citations omitted); *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015) (citation omitted).

Throughout his Third Amended Complaint, Lynch purports to bring retaliation, equal protection, failure-to-protect, inadequate-medical-care, conditions-of-confinement, due process, access-to-court, conspiracy and HIPAA claims. But, before discussing the plausibility of Lynch’s claims, the Court first considers which claims are sufficiently related to pursue in a single action.

A. Severance and Dismissal of Unrelated Claims

A plaintiff may make multiple claims against a sole defendant. FED. R. CIV. P. 18. But, if a plaintiff wants to sue multiple defendants bringing various claims, Rule 20 of the Federal Rules of Civil Procedure governs which defendants may be joined in a lawsuit. Rule 20 provides, in relevant part:

(a)(2) *Defendants*. Persons...may be joined in one action as defendants if:

- (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences;
and
- (B) any question of law or fact common to all defendants will arise in the action.

FED. R. CIV. P. 20(a)(2) (emphasis supplied).

If the right to relief does not arise out of the same transaction, occurrence, or series of transactions or occurrences, and no question of law or fact is common to all defendants, then the defendants are not properly joined in one lawsuit. If the Court determines, at any time, that parties or claims are improperly joined, it may *sua sponte* “add or drop” an improperly joined party or “sever” any claim. FED. R. CIV. P. 21; *see also Taylor v. Bailey*, 494 F. App’x 674, 675 (8th Cir. 2012) (per curiam).

“In general, questions of severance are addressed to the broad discretion of the district court.” Wright & Miller, *Federal Practice & Procedure: Civil* § 1689 (3d ed. 2012). “Thus, a court may sever an unrelated claim and give it separate treatment when doing so would be in the interest of some or all of the parties.” *Id.*; *see also Rice v. Sunrise Express, Inc.*, 209 F.3d 1008, 1016 (7th Cir. 2000) (“It is within the district court’s broad discretion

whether to sever a claim under Rule 21....As long as there is a discrete and separate claim, the district court may exercise its discretion and sever it.). Moreover, prisoners may not attempt to defeat the PLRA's filing fee requirements or "three strikes" rule by joining unrelated claims against multiple defendants in a single § 1983 action. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) ("Unrelated claims against different defendants belong in different suits" to prevent the "morass" caused by numerous claims against multiple defendants; "ensure that prisoners pay the required filing fees;" and enforce the PLRA's three-strikes rule); *Bailey v. Doe*, 434 F. App'x 573, 573 n.1 (8th Cir. 2011) (affirming severance of a prisoner's complaint into three separate actions and "obligating him to pay three separate filing fees").

As the Court interprets Lynch's allegations, certain Defendants and claims are not properly joined in this action. Although "all *reasonably related* claims for relief by or against different parties [may] be tried in a single proceeding," Lynch's claims are too attenuated to proceed in a single action. *Mosley v. General Motors Corp.*, 497 F.2d 1330, 1333 (8th Cir. 1974) (emphasis added).

Lynch's primary claim—the one that occurred first chronologically—is that Lynch was denied his Biktarvy prescription for the first several days of his incarceration. From this, a series of transactions allegedly occurred: Lynch's attorney called Edwards and told Lynch to file a lawsuit; following the phone call and Lynch's request for a complaint form, Edwards directed WCDC staff to "make [Lynch's] life hell"; and on several occasions, WCDC staff took action against Lynch that was alleged to be directly related to Lynch's litigation efforts; Edwards also ordered that Lynch's Biktarvy be crushed before being

administered. That does not, however, mean that *every* action taken against Lynch during his WCDC incarceration flowed from the denied Biktarvy, resulting litigation threats, and crushed medication. As set forth in Section II.B. above, most of the alleged conditions of confinement—the overcrowded pod, being forced to sleep on the floor, overflowing sewage, the single shower and kiosk, moldy shower, lack of nail clippers, etc.—either applied to all F Pod inmates, or, like the scalding water and non-locking door in the cell to which Lynch was *not* assigned, cannot be reasonably tied to Edwards’s alleged retaliatory motive. Likewise, the allegations of religious infringement, set forth in Section II.C. above, do not appear to be related to Lynch’s threatened Biktarvy litigation.

Accordingly, the Court recommends that the claims and Defendants associated with the allegations set forth in Sections II.B. and II.C. above be severed and dismissed without prejudice, so that Lynch may pursue those claims in a separate action, if he so chooses. *See Stephens v. Does*, [777 F. App’x 176, 177](#) (8th Cir. 2019) (affirming dismissal of unrelated claims without prejudice).

B. Screening of Remaining Allegations

Having recommended severance of the majority of Lynch’s conditions-of-confinement claims (and related medical-deliberate-indifference claims), and all of Lynch’s religious-infringement claims, the Court proceeds with screening Lynch’s allegations of inadequate medical care for his chronic care issues and the related claims, as set forth in Section II.A. above. Because Lynch had pleaded guilty and was awaiting sentencing on a pending federal case at all times relevant to the Third Amended Complaint, his claims are subject to the standards applicable to convicted prisoners. *See USA v. Jason*

M. Lynch, 4:22-cr-00151-LPR (E.D. Ark. June 20, 2023) (Plea Agreement and Clerk’s Minutes indicating guilty plea was entered in court).⁸

1. Medical Deliberate Indifference

To state a claim based on medical deliberate indifference, Lynch must allege facts showing: (1) he had an objectively serious medical need; and (2) Defendants knew of but deliberately disregarded that need. *Cannon v. Dehner*, 112 F.4th 580, 586 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 1149 (2025).

Serious Medical Need. “To constitute an objectively serious medical need or a deprivation of that need, the need or the deprivation alleged must be either obvious to the layperson or supported by medical evidence, like a physician’s diagnosis.” *Cannon*, 112 F.4th at 586 (cleaned up). Lynch sufficiently alleges that, at all relevant times, he had a serious medical need, HIV, as diagnosed by his free-world physician. Thus, the Court turns to whether Defendants deliberately disregarded that serious medical need.

Deliberate Disregard. A plaintiff can show deliberate disregard or “deliberate indifference in the level of care provided in different ways, including showing grossly incompetent or inadequate care, showing a defendant’s decision to take an easier and less efficacious course of treatment, or showing a defendant intentionally delayed or denied access to medical care.” *Dantzler v. Baldwin*, 133 F.4th 833, 846 (8th Cir. 2025) (cleaned

⁸ While Lynch was out on bond pending sentencing in his federal criminal case, he was arrested on June 9, 2024, by the Searcy, Arkansas, Police Department, charged with forgery, and detained in the WDCD. *USA v. Jason M. Lynch*, 4:22-cr-00151-LPR (E.D. Ark. June 20, 2023) (Doc. 42 a 5). Lynch was charged with several counts of forgery in White County, Arkansas, Circuit Court, as a result to his June 9 arrest, but those charges were later dismissed due to Lynch’s federal prosecution. *See State v. Jason Matthew Lynch*, Case No. 73CR-24-387 (filed July 30, 2024) (State filed Motion to Nolle Prosequi, “as the Defendant is being prosecuted by federal authorities.”).

up). However, “[t]he prisoner must show more than negligence, more even than gross negligence, and mere disagreement with treatment decisions does not rise to the level of a constitutional violation.” *Dalen v. Harpstead*, 123 F.4th 900, 904 (8th Cir. 2024) (citation omitted). Moreover, “while inmates have a right to adequate medical care, they have no right to receive a particular or requested course of treatment.” *Barr v. Pearson*, 909 F.3d 919, 921 (8th Cir. 2018) (cleaned up). Prison medical care providers “remain free to exercise their independent medical judgment.” *Id.* at 921–22.

a. Delay in Receiving Medication

Lynch alleges that, despite informing WCDC staff about his medication and having his family drop off his prescription, he did not receive his Biktarvy for several days. The exact timing of the delay is unclear, but it lasted from at least June 10 (Lynch’s first full day in the WCDC) to June 15 (the day Lynch’s attorney called Edwards). The persons alleged to have been involved in this delay are the two John Doe intake officers, the front desk clerk Yagger, Nurse Melody, Nurse Spence, Nurse Watts, and Captain Edwards. Only the last three are named as Defendants in the Third Amended Complaint. *See* (Doc. 45 at 9–10).

Nurse Spence. The only allegation against Nurse Spence related to the delayed medication is that, at the June 12 pill call, Nurse Spence told Lynch there was still no medication for him take. (Doc. 45 at 51). This shows only that Nurse Spence did not have access to the medication that Lynch needed, not that she was deliberately indifferent to his serious medical needs. As such, Lynch does not state a medical-deliberate-indifference claim against her for the delayed medication.

Nurse Watts and Captain Edwards. On the other hand, Nurse Watts—the person who allegedly had to approve Lynch’s medication before he could take it—is alleged to have ignored Lynch’s medical requests regarding the lack of medication. ([Doc. 45 at 16](#)). Similarly, Captain Edwards allegedly responded to Lynch’s grievance by telling him to “stop bugging his staff.” *Id.* at 51–52. For screening purposes, this appears sufficient to state a claim, and it is recommended Lynch be allowed to proceed on his medical-deliberate-indifference claim against Nurse Watts and Captain Edwards based on the alleged delay in providing Lynch his HIV medication.

b. Crushed Medication

When Lynch eventually began receiving his medication, Captain Edwards allegedly instituted a policy requiring that all medication be crushed. ([Doc. 45 at 52, 83](#)). Edwards was informed, through the grievance process, that the crushed medication was causing Lynch to vomit and his “insides to burn.” *Id.* at 54–55, 84. But Edwards simply responded “so,” “noted,” and that it was all in Lynch’s head. *Id.* When Lynch wrote to the Sheriff about the crushed medication, the Sheriff spoke with Edwards. *Id.* at 85. Edwards told him that Lynch’s doctor said the medication could be crushed, and the Sheriff accepted Edwards’s word. *Id.*

Nurse Spence, Nurse Watts, and Pill Nurses 1, 2, and 3 are alleged to have distributed the crushed medication to Lynch. *Id.* at 20, 84. Each time Lynch was provided the crushed medication he protested, explaining the harm that the medication was causing him and pointing out that Turnkey’s own doctor said that the medication should not be crushed. *Id.* at 45, 60, 83–84.

Edwards, Spence, Watts, and Pill Nurses 1, 2, and 3. Edwards, Spence, Watts, and Pill Nurses 1, 2, and 3 were each allegedly aware of the harm the crushed medication caused Lynch but refused to stop crushing it. Thus, Lynch has plausibly alleged that they were deliberately indifferent to his serious medical need. *Cf. Mathison v. Swenson*, 143 F. App'x 730, 733 (8th Cir. 2005) (finding no deliberate indifference where defendants were not aware that crushed medication would cause harm to the plaintiff). And it is recommended that Lynch be allowed to proceed with his crushed-medication medical-deliberate-indifference claims against Edwards, Spence, Watts, and Pill Nurses 1, 2, and 3.

Sheriff. The Sheriff, however, is not alleged to be directly involved in providing the crushed medication to Lynch. And, when the Sheriff inquired about the issue, he was told that the medication was not causing Lynch any harm. Although the Sheriff was allegedly misinformed, on these facts, the Sheriff did not deliberately disregard a known medical need. As such, Lynch does not state a medical-deliberate-indifference claim against the Sheriff based on the crushed medication allegations.

c. Delay in Seeing Doctor

Lynch next alleges that, due to the actions of Nurse Watts and “Nurse F,” he was not able to see a doctor for his chronic-care issues from June 15 to August 30, 2024. (Doc. 45 at 13, 28, 47, 54, 57–58, 87–88, 100–101). In order to pursue a claim based on a delay in medical care, Lynch must establish the detrimental effect of the delay. *Dantzler*, 133 F.4th at 843. Although Lynch alleges that the initial delay in receiving his medication and the crushing of his medication caused him harm, he does not attribute any of the detrimental effects to the delay in seeing a doctor. Lynch was receiving crushed medication both before

and after his doctor's visit and does not describe any other change in treatment resulting from the visit. Because Lynch does not allege any detrimental effect from the two-and-a-half-month delay in seeing a doctor, he has failed to state a medical-deliberate-indifference claim based on those allegations.

2. Due Process – Lost Medication

In addition to having his medication delayed and crushed, Lynch alleges that a bottle of his medication was lost and that it cost \$3,300. (Doc. 45 at 52). To the extent Lynch may be attempting to raise a due process claim regarding his lost property, the claim fails.

It is well settled that an inmate cannot maintain a Fourteenth Amendment due process claim for loss of property if he has an adequate post-deprivation remedy under state law. *See Hudson v. Palmer*, 468 U.S. 517, 533–36 (1984); *Parratt v. Taylor*, 451 U.S. 527, 541 (1981); *McClinton v. Arkansas Dept. of Corr.*, 166 F. App'x 260, 260–61 (8th Cir. 2006). Here, Lynch can seek to recover his property by filing a conversion action in state court. *See Bausley v. Dugan*, 110 F. App'x 736, 736 (8th Cir. 2004) (holding that a prisoner could not bring a § 1983 claim against county jail employees for seizure of personal property because he could bring a conversion action against them in state court); *Carniglia v. Dearmon*, 16 F. App'x 548, 549 (8th Cir. 2001) (same); *Butler v. Smith*, 208 F.3d 217, 217 (8th Cir. 2000) (holding that prisoner, who alleged he was wrongly charged for meals while housed at the county jail, could not seek § 1983 relief because he could bring a conversion claim in state court).

Because Lynch has an adequate remedy under Arkansas law for his alleged loss of property, any such claim against Defendants fails to state a claim for relief.

3. First Amendment Interference

Lynch next claims that, pursuant to an email sent by Lt. Ross (at the direction of Edwards), Edwards, Ross, Goodwin, Sciler, and the Doe mail room clerk refused to accept or send his mail to the courts and various other entities. (Doc. 45 at 32, 40–42, 73). He also claims that he was denied § 1983 complaint forms and that he had trouble accessing the law library on the kiosk on several occasions. *Id.* at 33–35. These allegations raise two potential First Amendment claims: (1) interference with access to the courts; and (2) interference with mail.⁹

a. Access to the Courts

Lynch, like all prisoners, has “a constitutional right of access to the courts.” *Bounds v. Smith*, 430 U.S. 817, 821 (1977) (abrogated on other grounds). But that right is limited; inmates are not guaranteed the ability to file “everything from shareholder derivative actions to slip-and-fall claims.” *Lewis v. Casey*, 518 U.S. 343, 355 (1996). Instead, the First Amendment gives inmates the right to access the courts “to attack their sentences, directly or collaterally” or to “challenge the conditions of their confinement.” *Lewis*, 518 U.S. at 355; *Johnson v. Avery*, 393 U.S. 483, 489–90 (1969).

Moreover, to state a First Amendment claim, a plaintiff must allege actual injury. *Hartsfield v. Nichols*, 511 F.3d 826, 831 (8th Cir. 2008). To do so, an “inmate must demonstrate that he suffered prejudice” in a “nonfrivolous and arguably meritorious” legal

⁹ The Court notes that Lynch’s allegations regarding Edwards’s “[t]otal ban on all books” appear to apply to all WDCD inmates and are not reasonably related to Lynch’s threatened lawsuit or the alleged retaliation and conspiracy flowing therefrom. Accordingly, that claim is part of those that are recommended to be severed. *See supra* Sections II.C. and III.A.

action because of the defendants' actions. *Berdella v. Delo*, 972 F.2d 204, 210 (8th Cir. 1992); *Hartsfield*, 511 F.3d at 831.

Lynch alleges interference with three court cases: this § 1983 action, his state-court criminal action, and his wife's state-court criminal action. For this § 1983 action, Lynch claims that his communications with this Court were intercepted and that he was denied § 1983 forms. (Doc. 45 at 33–35, 40). Lynch cannot show prejudice based on the denial of § 1983 forms, however. As evidenced by his initiation of this lawsuit on August 30, 2024, while he was still incarcerated in WCDC, he was eventually able to pursue his cause of action. And he points to no other notable prejudice in this action caused by the alleged interference with communications with the Court. As for his and his wife's state-court criminal actions, Lynch's vague allegation that he "missed filing motions" that became "time barred," (Doc. 45 at 35), are not sufficient to state a claim for relief. *Iqbal*, 556 U.S. at 678 ("naked assertions devoid of further factual enhancement" are insufficient to plead a plausible claim). Accordingly, Lynch fails to state a plausible First Amendment access-to-the-courts claim.

b. Interference with Mail

In addition to accessing the courts, prisoners have a limited First Amendment right to send and receive mail. *Thongvanh v. Thalacker*, 17 F.3d 256, 258 (8th Cir. 1994). Legal mail is afforded additional protections and privileges. *See id.* at 259; *Gardner v. Howard*, 109 F.3d 427, 430 (8th Cir. 1997). A prisoner's privileged legal mail is narrowly defined as "mail to or from an inmate's attorney and identified as such." *Gardner v. Howard*, 109 F.3d 427, 430 (8th Cir. 1997); *see also Wolff v. McDonnell*, 418 U.S. 539, 576 ("We think

it entirely appropriate that the State require [legal mail] to be specially marked as originating from an attorney...”). As for non-legal mail, an isolated incidence of mail tampering does not violate a prisoner’s First Amendment right to send and receive mail. *See Laughlin v. Stuart*, No. 22-1742, [2022 WL 12165755](#), at *1 (8th Cir. Oct. 21, 2022) (citing *Davis v. Goord*, [320 F.3d 346, 351](#) (2nd Cir. 2003); *Gardner*, [109 F.3d at 431](#)).

Edwards, Ross, Sciler, and Goodwin. Here, Lynch alleges that both his correspondence with his attorney and his general outgoing mail were interfered with on a systematic basis at the direction of Edwards. He provides details regarding a Lt. Ross email that was allegedly sent to all WDCD staff directing his outgoing mail be refused, ([Doc. 45 at 40, 102](#)), and apparently had conversations about this email with the other implicated Defendants, Sciler and Goodwin. Sciler told him his mail was not being accepted because of Ross’s email. *Id.* at 40, 103. Goodwin would not tell Lynch why his mail was not being accepted. *Id.* at 103. Thus, it is recommended that Lynch be allowed to proceed with a First Amendment interference-with-mail claim against Edwards, Ross, Sciler, and Goodwin.

Doe Mail Room Clerk. Lynch does not, however, make any direct allegations of interference by the Doe mail room clerk. *See* ([Doc. 45 at 32, 104](#)). Accordingly, he fails to state a claim for relief against that Defendant.

4. Fourth Amendment Search

Lynch claims that a strip and visual cavity search were conducted by a John Doe corrections officer when he was booked into WDCD. ([Doc. 45 at 43](#)). And four more searches were conducted on him across five shakedowns. *Id.*

The Court assumes, for screening purposes, that “a convicted inmate has rights under the Fourth Amendment against unreasonable searches of his body.” *Story v. Foote*, 782 F.3d 968, 971 (8th Cir. 2015). To determine whether the search was reasonable, the Court must consider the “scope, manner, and location” of the search. *Beard v. Falkenrath*, 97 F.4th 1109, 1115 (8th Cir. 2024).

The Supreme Court has held that jailors may conduct visual searches of the bodies of unclothed detainees entering the facility, even in the absence of a reasonable suspicion that they may be concealing contraband or weapons. *Florence v. Board of Chosen Freeholders of the County of Burlington*, 566 U.S. 318, 327–28 (2012) (holding that courts should defer to the judgment of prison officials when conducting such visual body searches unless there is “substantial evidence” that prison officials have “exaggerated their response” to security considerations). Thus, Lynch fails to state a Fourth Amendment claim for the initial strip and visual cavity search.

Regarding the other four searches, Lynch provides no details other than the fact that the searches occurred during shakedowns. *See* (Doc. 45 at 43). Without further factual enhancement regarding the scope, manner, and location of the searches, Lynch fails to state a claim for relief. Lynch also fails to state Fourth Amendment claims for the five shakedowns of his cell because he has no legitimate expectation of privacy in his cell. *Hudson v. Palmer*, 468 U.S. 517, 529–30 (1984).

5. Failure to Protect

Lynch’s next claim also stems from shakedowns. He alleges that, over a six-week period, five shakedowns were conducted in his pod. (Doc. 45 at 71, 76–77, 79). Rogers and

Swindle allegedly told the other inmates that it was Lynch's fault the searches were being conducted. *Id.* at 71. As a result, Lynch was "jumped" and hurt. *Id.*

"A prison official violates the Eighth Amendment if he is deliberately indifferent to the need to protect an inmate from a substantial risk of serious harm from other inmates." *Vandevender v. Sass*, [970 F.3d 972, 975](#) (8th Cir. 2020) (citation and quotations omitted). To plead a viable deliberate-indifference claim based on risk of harm, an inmate must allege facts suggesting that: (1) objectively, there was a substantial risk of serious harm; and (2) subjectively, the defendants knew of and disregarded that substantial risk of serious harm. *Id.*; *Curry v. Crist*, [226 F.3d 974, 977](#) (8th Cir. 2000).

Although a bit vague, the Court finds that Lynch has sufficiently stated a failure to protect claim against Rogers and Swindle. *See Irving v. Dormire*, [519 F.3d 441, 449–51](#) (8th Cir. 2008) ("affirmative efforts to persuade other inmates to assault [plaintiff]" may violate the Eighth Amendment).

6. Excessive Force

Lynch alleges that Sgt. Rogers used excessive force on him. ([Doc. 45 at 35–36, 103](#)). The Eighth Amendment protects prisoners from "unnecessary and wanton infliction of pain." *Hudson v. McMillian*, [503 U.S. 1, 5](#) (1992). To state an excessive-force claim under the Eighth Amendment, a prisoner must allege facts showing the defendant used force "maliciously and sadistically to cause harm" rather than in "a good-faith effort to maintain or restore discipline." *See Wilkins v. Gaddy*, [559 U.S. 34, 37](#) (2010); *Jackson v. Gutzmer*, [866 F.3d 969, 974](#) (8th Cir. 2017). The relevant factors that must be considered when making this determination are: (1) the objective need for force; (2) the relationship

between the need and the amount of force used; (3) the threat reasonably perceived by the defendant; (4) any efforts by the defendant to temper the severity of the forceful response; and (5) the extent of the plaintiff's injuries. *See Jackson*, [866 F.3d at 974](#); *Ward v. Smith*, [844 F.3d 717, 721–22](#) (8th Cir. 2016).

Lynch alleges that, without warning, Rogers grabbed Lynch by the arm and removed him from his cell. ([Doc. 45 at 35](#)). Lynch was “hurt and bruised” from the encounter. *Id.* Although a bit vague, the Court finds these facts sufficient to state a plausible excessive-force claim. Accordingly, it is recommended that Lynch be allowed to proceed with his excessive-force claim against Rogers in his individual capacity.

7. Conditions of Confinement—Lack of Toilet Paper and Yard Call

Although it has been recommended that a majority of Lynch's conditions-of-confinement claims be severed, there are two conditions that seemly flow from Lynch's threatened Biktarvy litigation: (1) on August 14, 2024, Wood refused to give Lynch toilet paper because of Lynch's complaint and grievance, ([Doc. 45 at 67](#)); and (2) on August 19, F Pod was not provided yard call because Rogers, Swindle, and Workman were mad at Lynch. *Id.* at 68.

A one-time twenty-hour lack of toilet paper does not rise to the level of an Eighth Amendment violation, *see Stickley v. Byrd*, [703 F.3d 421, 423](#) (8th Cir. 2013); *Harris v. Fleming*, [839 F.2d 1232, 1234–36](#) (7th Cir. 1988), nor does a one-time denial of yard call, *see Phillips v. Norris*, [320 F.3d 844, 848](#) (8th Cir. 2003) (thirty-seven days without exercise was not an Eighth Amendment violation). Accordingly, it is recommended that those claims be dismissed for failure to state a claim.

8. Due Process – Medical Lock Down

On August 23 or September 3, 2024, Lynch was moved from the general-population F Pod to medical lockdown. (Doc. 45 at 63–64, 68, 74). Lynch contends there was no legitimate reason for him to be moved to lockdown. *Id.* at 44, 74. The Court construes this as a procedural due process claim.

A prisoner has a right to procedural due process, under the Fourteenth Amendment, only if he has a liberty interest at stake. *Sandin v. Conner*, 515 U.S. 472, 484 (1995); *Smith v. McKinney*, No. 18-3613 (8th Cir. Mar. 31, 2020); *Phillips v. Norris*, 320 F.3d 844, 847 (8th Cir. 2003). Prisoners do *not* have a liberty interest in avoiding temporary confinement in administrative or punitive segregation because such punishment has been held not to create an “atypical and significant hardship on an inmate in relation to the ordinary incidents of prison life.” *Sandin*, 515 U.S. at 482–86 (no “liberty interest” implicated by thirty days in disciplinary segregation); *see also Ballinger v. Cedar County*, 810 F.3d 557, 562–63 (8th Cir. 2016) (no “liberty interest” implicated by one year in solitary confinement); *Orr v. Larkins*, 610 F.3d 1032, 1034 (8th Cir. 2010) (no “liberty interest” implicated by nine months in administrative segregation); *Phillips*, 320 F.3d at 847 (no “liberty interest” implicated by thirty-seven days in isolation and loss of privileges of contact visitation, exercise, and chapel, even if demotion to segregation was without cause); *Portley-El v. Brill*, 288 F.3d 1063, 1065–66 (8th Cir. 2002) (no “liberty interest” implicated by thirty days in punitive segregation); *Kennedy v. Blankenship*, 100 F.3d 640, 642–43 & n.2 (8th Cir. 1996) (no “liberty interest” implicated by thirty days in punitive

segregation, which included the suspension of mail, telephone, visitation and commissary privileges).

Lynch was transferred from WCDC on September 7, 2024. (Doc. 45 at 6). Thus, his time in medical lockdown lasted no more than 15 days. This temporary detention, standing alone, does not constitute an “atypical and significant hardship... in relation to the ordinary incidents of prison life.” *Sandin*, 515 U.S. at 484. Although Lynch alleges that the cell and shower in medical lockdown had “human waste, blood, [and] black mold everywhere,” (Doc. 45 at 44, 63), and he was not provided cleaning supplies, he alleges similar conditions existed in F Pod, *id.* at 62–63. Thus, the conditions in lockdown were not “atypical” enough to implicate a liberty interest for Lynch. Accordingly, Lynch fails to state a due process claim based on his transfer to medical lockdown.

9. Equal Protection

Lynch vaguely alleges that he was discriminated against as a “class of one” without rational basis, and Defendants denied him “equal protection of laws and equal privileges.” (Doc. 45 at 23, 78). Because Lynch does not allege that he was treated differently from similarly situated inmates based on a suspect classification or a fundamental right, to state an equal protection claim, he must show that Defendants systematically and “intentionally treated [him] differently from others similarly situated and that there is no rational basis for the difference in treatment.” *Nolan v. Thompson*, 521 F.3d 983, 989–90 (8th Cir. 2008); *see Patel v. U.S. Bureau of Prisons*, 515 F.3d 807, 815–16 (8th Cir. 2008).

Lynch does not specify which actions allegedly violated his equal protection rights but, upon review of the Third Amended Complaint, the only action that appears to fit this

category is Lynch's placement in medical lockdown. Lynch alleges that he was placed in medical lockdown because of the medication he was taking. (Doc. 45 at 44, 74). But other inmates on the same medication were not required to go to lockdown. *Id.* at 44. Although Edwards may be able to explain how Lynch was not similarly situated to other inmates taking Biktarvy or provide a rational basis for the dissimilar treatment, it is not obvious from the Third Amended Complaint. *See Nash v. Black*, 781 F.2d 665, 668–69 (8th Cir. 1986) (citing *Durso v. Rowe*, 579 F.2d 1365, 1372 (7th Cir. 1978)) (noting “a court should not dismiss an equal protection claim on the basis of reasons unrevealed to the court”). Accordingly, for screening purposes only, it is recommended that Lynch be allowed to pursue his equal protection claim based on his placement in medical lockdown.

10. Retaliation

Lynch alleges that the majority of actions taken against him in WCDC were retaliation after he threatened litigation for not receiving his Biktarvy. (Doc. 45 at 17). To state a § 1983 retaliation claim, Lynch must plead that: (1) he engaged in constitutionally protected activity; (2) Defendants took adverse actions against him that would chill a prisoner of ordinary firmness from engaging in that activity; and (3) his protected activities were the “but-for” cause of Defendants’ adverse actions. *De Rossitte v. Correct Care Sols., LLC.*, 22 F.4th 796, 804 (8th Cir. 2022); *Santiago v. Blair*, 707 F.3d 984, 992 (8th Cir. 2013); *Nieves v. Bartlett*, 587 U.S. 391, 398–99 (2019). “[T]he filing of a prison grievance, like the filing of an inmate lawsuit, is protected First Amendment activity.” *Gonzalez v. Bendt*, 971 F.3d 742, 744–45 (8th Cir. 2020) (citation omitted). Notably, “conduct that retaliates against the exercise of a constitutionally protected right is actionable even if the

alleged retaliatory conduct does not itself rise to the level of a constitutional violation.” *Santiago*, [707 F.3d at 994](#) (cleaned up).

The Court assumes, for the sake of screening, that Lynch threatening litigation (either by requesting a § 1983 form or having his attorney call) constitutes protected First Amendment activity. Lynch also filed several grievances and initiated this lawsuit while he was still incarcerated at WCDC—both of which are protected activities. *Gonzalez* [971 F.3d at 744–45](#).

The issue, then, is whether Lynch has alleged sufficiently a causal connection between the actions taken against him and his protected activity, and whether those actions are sufficient to “chill” an ordinary prisoner from engaging in First Amendment activities. For some actions, Lynch meets this burden. For others, he does not. In analyzing the allegedly adverse actions, the Court omits the actions it has previously determined were not retaliatory (including all allegations set forth in Sections II.B. and II.C) and any actions that clearly occurred before the threat of litigation (*e.g.*, the intake strip search and the delay in medication).

Crushed Medication. Lynch alleges that, shortly after the June 15 phone call between Edwards and Lynch’s attorney, Edwards instituted a policy of crushing inmates’ medication. ([Doc. 45 at 52, 83](#)). Although there is a temporal connection between the two events, Lynch alleges that that crushing policy applied to *all* medications and inmates. *Id.* at 52, 83–84. And Lynch makes no allegation specifically tying the policy to his threat of litigation. Accordingly, Lynch has not sufficiently alleged that the medication-crushing policy would not have occurred but for his protected activity.

Delay in Seeing Doctor. Lynch alleges that Nurses Watts and “F” would not let him see a doctor for his chronic care; this caused a two-and-a-half-month delay in him seeing a doctor. (Doc. 45 at 47, 54, 57–58, 87–88, 100–101). Lynch makes no allegation specifically tying the delay to his threat of litigation. Instead, the nurses purportedly would not allow Lynch to see the doctor until he paid a sick-call fee. *See id.* Given this non-retaliatory reasoning, Lynch has not sufficiently alleged that the delay would not have occurred but for his protected activity.

Harassment of Wife. Lynch alleges that, on August 13, during a court appearance, Edwards made sure Lynch was called first on the docket and that Lynch’s wife was called very last on the docket. (Doc. 45 at 71–72, 106). Consequently, Lynch’s wife sat in court for over twelve hours and “left in tears.” *Id.* at 72. Given the allegations surrounding this, including the fact that Edwards “bragged about [it],” and there is no apparent alternative reason for the action, the Court recommends, for screening purposes, that Lynch be allowed to proceed with his retaliation claims against Edwards for harassment of Lynch’s wife.

Interference with Mail. The Court also recommends that Lynch be allowed to proceed with his mail-interference retaliation claim against Edwards, Ross, Sciler, and Goodwin. It can reasonably be inferred from the allegations that the interference with mail is related to Lynch’s exercise of his First Amendment rights.

Toilet Paper. On August 14, 2024, CO Wood allegedly refused to give Lynch toilet paper and told him to “use [his] hand” because of Lynch’s complaint and grievances. (Doc. 45 at 67). It is recommended that Lynch be allowed to proceed with this retaliation claim against Wood.

Lack of Yard Call. On August 19, Lynch's pod was not provided yard call. (Doc. 45 at 68). Standing alone, a single day without yard call is likely not sufficiently adverse to dissuade a prisoner from exercising his First Amendment rights. However, Rogers, Swindle, and Workman told the other prisoners in F Pod that it was Lynch's fault they did not get yard call because they were mad at him. *Id.* It can reasonably be inferred that the guards were upset at Lynch for either threatening litigation, filing grievances, or trying to report their actions to various governmental agencies and news sources. And having fellow prisoners motivated to harm you is a sufficiently adverse action for screening purposes. Accordingly, it is recommended that Lynch be allowed to proceed with this retaliation claim against Rogers, Swindle, and Workman.

Shakedowns and Contemporaneous Strip Searches. At Edwards's order, Rogers, Swindle, and Wood allegedly conducted multiple shakedowns of Lynch's pod; Rogers and Swindle told the inmates that it was Lynch's fault, causing Lynch to get in fights and be injured. (Doc. 45 at 71, 76–77, 79). A strip and visual cavity search were allegedly conducted on Lynch during four of these shakedowns but not on the other inmates. *Id.* at 43. It is recommended that Lynch be allowed to proceed with these retaliation claims against Edwards, Rogers, Swindle, and Wood.

Excessive Force. During one of the shakedowns, Rogers allegedly grabbed Lynch's arm to remove him from the cell. (Doc. 45 at 35–36). Lynch has not sufficiently alleged a causal connection between the arm-grab and his protected activity.

Placement in Medical Lockdown. Shortly before he was transferred to another detention center, Lynch was placed in medical lockdown at Edwards's orders. (Doc. 45 at

63–64, 68, 74). But other inmates with the same medical condition and on the same medication were not treated the same, and Lynch was provided no medical supervision during the lockdown. *Id.* at 44, 74. Thus, there is an inference of retaliatory motive, and it is recommended that Lynch be allowed to proceed with this retaliation claim against Edwards.

In sum, it is recommended that Lynch be allowed to proceed on his retaliation claims (1) against Edwards for harassment of Lynch’s wife; (2) against Edwards, Ross, Sciler, and Goodwin for interference with Lynch’s mail; (3) against Wood for denying Lynch toilet paper; (4) against Rogers, Swindle, and Workman for telling F Pod inmates that it was Lynch’s fault they were not receiving yard call; (5) against Edwards, Rogers, Swindle, and Wood for subjecting Lynch to numerous shakedowns with strip and visual cavity searches, and telling the F Pod inmates the shakedowns were Lynch’s fault; and (6) against Edwards for placing Lynch in medical lockdown.

11. Conspiracy

Lynch also alleges that there was a “conspiracy” to retaliate against him. (Doc. 45 at 24, 46, 78–79). A conspiracy claim must be pleaded with sufficient specificity and factual support to demonstrate a “mutual understanding” among the defendants or a “meeting of the minds.” *Cooper v. Delo*, 997 F.2d 376, 377 (8th Cir. 1993); *Manis v. Sterling*, 862 F.3d 679, 681 (8th Cir. 1988); *Smith v. Bacon*, 699 F.2d 434, 436 (8th Cir. 1983) (holding allegations must at least include that “the defendants had directed themselves toward an unconstitutional action by virtue of a mutual understanding” and provide some facts suggesting a meeting of the minds).

Lynch claims that, shortly after he threatened litigation over his missed Biktarvy, Edwards had a closed-door meeting with all WCDF staff during which he told them to “make Lynch’s life hell, shake [him] down, and give [him] nothing.” ([Doc. 45 at 70](#)). Assuming this is true, that does not mean all the staff present at that meeting agreed with and acted upon Edwards’s directive. Indeed, as set forth in the previous section, there were only a few Defendants who allegedly acted on Edwards’s words and retaliated against him: Rogers, Ross, Sciler, Goodwin, Wood, Swindle, and Workman. Accordingly, it is recommended that Lynch be allowed to proceed with his conspiracy claim only against those Defendants and Edwards.

12. HIPAA

Lynch also alleges that Spence and Watts violated HIPAA by informing guards and other inmates of his medical conditions during pill call. ([Doc. 45 at 82](#)). But HIPAA does not create a private right of action. *Dodd v. Jones*, [623 F.3d 563, 569](#) (8th Cir. 2010). According, Lynch fails to state a claim for a HIPAA violation.

13. Claims on Behalf of Wife

Prisoners must allege their own personal injury and lack standing to bring claims on behalf of others. *See Martin v. Sargent*, [780 F.2d 1334, 1337](#) (8th Cir. 1985). Accordingly, Lynch lacks standing to pursue any claims on behalf of his wife, including his allegations that he was not able to conduct legal research for *her* court case, ([Doc. 45 at 34–35](#)), and that she was required to sit in court all day because of Edwards actions,¹⁰ *id.* at 71–72.

¹⁰ The caveat being that the Court found that the harassment of one’s wife may constitute an action adverse enough to dissuade a prisoner from exercising his First Amendment rights for purposes of retaliation. *See supra* Section III.B.9.

14. Official Capacity

Lynch sues the “Sheriff, Edwards, Watts, Spence, Turnkey, WDCD, and White County Comm.” in their official capacities. (Doc. 45 at 9, ¶ 8). To state an official-capacity claim, Lynch must allege facts showing that the purported constitutional violations were the result of an official White County policy, an unofficial custom, or a failure to train. *Atkinson v. City of Mountain View, Mo.*, 709 F.3d 1201, 1214 (8th Cir. 2013). There can be no official-capacity liability absent an underlying constitutional violation by a County or Turnkey employee. *Whitney v. City of St. Louis, Missouri*, 887 F.3d 857, 861 (8th Cir. 2018).

Lynch points to two purported policies that caused him harm: (1) Edward’s official policy of crushing medication; and (2) Nurses Watts and F’s practice (in conflict with official Turnkey policy) of requiring chronic care inmates to pay for medical services before they can be seen by a doctor.

Crushed Medication Policy. It has been recommended that Lynch be allowed to proceed on his crushed-medication deliberate-indifference claims against Edwards, Spence, Watts, and Pill Nurses 1, 2, and 3. *See supra* Section III.B.1.b. Accordingly, it is recommended that Lynch be allowed to proceed on a commensurate official-capacity claim against Edwards and Turnkey. Any claim against the Turnkey employees sued in their official capacities would be redundant of the claim against Turnkey and may be dismissed. *See Veatch v. Bartels Lutheran Home*, 627 F.3d 1254, 1257 (8th Cir. 2010).

Chronic Care Policy. The Court has recommended that Lynch’s claims against Nurses Watts and F regarding his delay in seeing a doctor for his chronic care be dismissed.

See supra Section III.B.1.c. Accordingly, it is recommended that the corresponding official-capacity claims be dismissed for lack of an underlying constitutional violation. *Whitney*, 887 F.3d at 1214.

Lynch’s remaining allegations in his Third Amended Complaint either lack an underlying constitutional violation or concern single incidents insufficient to establish an unofficial custom. *See Corwin v. City of Indep., MO.*, 829 F.3d 695, 700 (8th Cir. 2016) (holding isolated incidents of unconstitutional conduct, which apply to a single inmate, do not establish an unofficial custom). Accordingly, it is recommended that all official capacity claims—save those against Turnkey and Edwards related to the crushed medication—be dismissed for failure to state a claim.

IV. CONCLUSION

Despite Lynch’s failure to comply with the Court’s order to file a “simple, concise, and direct” complaint with claims asserted in a “short and plain statement,” per Federal Rules of Civil Procedure 8(a)(2) and (d)(1),¹¹ the Court carefully combed through Lynch’s Third Amended Complaint, liberally construed the allegations, and placed them in the proper legal framework. After doing so, the Court finds that a large swath of Lynch’s allegations should be severed and many of the remaining claims fail to state a claim for relief. There are, however, some claims that move forward.

¹¹ As previously noted, Lynch’s failure to comply with the Federal Rules of Civil Procedure, particularly Rule 8, make this case susceptible to summary dismissal. *See supra* note 2.

IT IS THEREFORE RECOMMENDED THAT:

1. All claims and Defendants associated with the allegations in Sections II.B. and II.C. above be severed and DISMISSED without prejudice.
2. From the allegations in Section II.A., Lynch be allowed to PROCEED with the following claims:
 - a. medical-deliberate-indifference claim against Watts and Edwards based on a delay in receiving his HIV medication;
 - b. crushed-medication medical-deliberate-indifference claims against Edwards, Spence, Watts, and Pill Nurses 1, 2, and 3;
 - c. First Amendment interference-with-mail claim against Edwards, Ross, Sciler, and Goodwin;
 - d. failure-to-protect claim against Rogers and Swindle for telling the F Pod inmates that the shakedowns were Lynch's fault;
 - e. excessive-force claim against Rogers for the alleged arm-grab;
 - f. equal-protection claim against Edwards based on Lynch's placement in medical lockdown;
 - g. retaliation claims: (1) against Edwards for harassment of Lynch's wife; (2) against Edwards, Ross, Sciler, and Goodwin for interference with Lynch's mail; (3) against Wood for denying Lynch toilet paper; (4) against Rogers, Swindle, and Workman for telling F Pod inmates that it was Lynch's fault they were not receiving yard call; (5) against Edwards, Rogers, Swindle, and Wood for subjecting Lynch to numerous shakedowns with strip and visual cavity searches, and telling the F Pod inmates the shakedowns were Lynch's fault; and (6) against Edwards for placing Lynch in medical lockdown;
 - h. conspiracy claim against Edwards, Rogers, Ross, Sciler, Goodwin, Wood, Swindle, and Workman; and
 - i. official-capacity claim against Edwards and Turnkey for the alleged policy and practice of crushing Lynch's medication.
3. All remaining claims be DISMISSED for failure to state a claim for relief.

4. The Sheriff, Mail Room Clerk, Front Desk Clerk, Head Nurse, Melody, PM Pill Nurse, Heather, White County Jail Admin, Nurse F, Jones, Yagger, Mat Ouite, White County Comm., Hughes, Long, and Martin be TERMINATED as parties to this action.

DATED this 15th day of December, 2025.


UNITED STATES MAGISTRATE JUDGE