

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 15 2026

4:24-cv-00740-LPR-BBM

SUBJECT: RE: omnibus motion

TAMMY H. DOWNS, CLERK
By:  DEP CLERK

OMNIBUS MOTION FOR ORDER TO PRESERVE EVIDENCE, FOR EARLY AND DEFINED DISCOVERY, AND FOR ALTERNATIVE RELIEF

Plaintiff: Jason Matthew Lynch, Reg. No. 07405-510

Case: Lynch v. Does, et al.

Court: United States District Court

I. INTRODUCTION

Plaintiff Jason Matthew Lynch ("Lynch"), proceeding pro se and in good faith, respectfully moves this Honorable Court for an Omnibus Order requiring the immediate preservation of evidence, for early and defined discovery, and for alternative relief to prevent dismissal on technical grounds, including leave to amend or a stay to permit retention of counsel.

This Motion is necessary and proper because nearly all critical evidence in this case is in the sole possession, custody, or control of Defendants, who have already threatened destruction, refused to comply with state and federal records requests, and demonstrated conduct indicating that they would rather face sanctions than allow this evidence to be presented in open court for public review.

II. FACTUAL BASIS AND GOOD-FAITH BELIEF OF SPOILATION

Lynch states under penalty of perjury and based on personal knowledge and reasonable inference that:

1. All key evidence is exclusively controlled by Defendants, including White County, jail staff, county staff, and associated court personnel.

2. Defendants have refused to respond to or comply with:

Federal FOIA requests,

Arkansas Freedom of Information Act requests,

Public Access ("PA") requests for court records.

3. Defendants have expressly threatened destruction or non-preservation of records relevant to this case.

4. The evidence sought includes, but is not limited to:

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I. INTRODUCTION

1. Plaintiff has a good faith belief, supported by credible facts, that Defendants who have exclusive access to certain data and documentary sources would rather face sanctions than allow crucial evidence to be publicly presented in open court.

2. Defendants currently exercise sole control over, and have exclusive possession of evidence material to Plaintiff's claims, including but not limited to:

- a. Kiosk communications involving Plaintiff's medical requests, grievances, legal mail logs, and Jail internal administrative messaging;
- b. Jail video recordings (all cameras inside White County Jail, including booking area, pods, observation logs, nurse/detention interactions); and
- c. White County Circuit Court state records/dockets relating to Kirsten Lynch's case, underlying charges, landlord interactions, and judicial communications.

3. Plaintiff has attempted to obtain pertinent materials via:

- a. Federal Freedom of Information Act ("FOIA") requests refused or ignored by Defendants;
- b. State public records requests ("FOIA State") refused or ignored;
- c. Public Access / PA requests refused or ignored;
- d. Repeated correspondence and informal demands ignored or denied.

4. Plaintiff has reason to believe Defendants have already threatened to destroy or "lose" material evidence. Under standards outlined by the Supreme Court and this Circuit, this risk justifies a pre trial preservation order.

II. LEGAL BASIS FOR AN ORDER TO PRESERVE EVIDENCE

A. Federal Rule of Civil Procedure 26(f) and Preservation Obligations

5. Under Fed. R. Civ. P. 26(f), parties must "discuss any issues about preserving discoverable information." Preservation is now a recognized duty once litigation is reasonably anticipated. *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 216 17 (S.D.N.Y. 2003).

6. An order to preserve is proper where there is a reasonable likelihood that the evidence will be destroyed and where the other party controls that evidence. See *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583, 591 (4th Cir. 2001).

7. Under Rule 26(b)(1), discovery includes "any nonprivileged matter that is relevant to any party's claim." The evidence described above directly relates to Plaintiff's claims under:

- 42 U.S.C. § 1983 (due process, Eighth Amendment deliberate indifference);
- 42 U.S.C. § 1985 (conspiracy to interfere with civil rights);
- State tort claims; and
- Associated injunctive relief.

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B. Court's Inherent Authority to Prevent Spoliation

8. Federal courts have inherent authority to prevent spoliation of evidence. See *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). This includes issuing preservation orders.

9. The Fifth Circuit explained that a trial court may "order the preservation of evidence" if spoliation is threatened. *Apple Inc. v. Samsung Elecs. Co.*, 888 F. Supp. 2d 976, 992 (N.D. Cal. 2012) (citing *Zubulake* series).

C. The Risk of Spoliation and Defendants' Conduct

10. Plaintiff has not yet received discovery regarding key sources because Defendants:

- a. Refuse to produce or meaningfully respond to document requests;
- b. Refuse to provide data and ESI logs;
- c. Refuse to comply with FOIA or state public records obligations;
- d. Have not identified custodians or preservation steps; and
- e. Have threatened, _____, to delete or otherwise withhold records.

11. Where evidence is in the sole possession of a party or non party and the risk of destruction is credible, courts routinely enter preservation orders to avoid prejudice. See *Wm. T. Thompson Co. v. General Nutrition Corp.*, 593 F. Supp. 1443, 1455 (C.D. Cal. 1984).

III. EVIDENCE SUBJECT TO PRESERVATION

Plaintiff requests the Court order Defendants to preserve, retain, and prohibit destruction or alteration of:

- June 1 2024 Oct 1 2024*
- A. All video recordings from White County Jail dated ~~January 1, 2023~~ through ~~present~~;
 - B. All kiosk communications (messaging system used by detainees and staff);
 - C. All detention logs, grievance archives, and medical appointment logs;
 - D. All White County Circuit Court state case files and docket entries relating to Ms. Lynch, including internal communications involving the Clerk, Judge, Sheriff, prosecutor, and public defender's office;
 - E. All records related to FOIA/FOIA State/PA requests, including denial letters, emails, internal logs, and communications;

No potential source of relevant evidence should be destroyed, altered, erased, or modified.

IV. UNDUE BURDEN IF EVIDENCE IS LOST

12. Without preserved evidence, Plaintiff must subpoena up to sixteen witnesses, requiring:

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Additional expense to the Court and parties;
Travel and time for out of state subpoenas;
Risk that witnesses will not retain documents or recollections;
A substantially less complete and reliable record.

13. A preservation order prevents undue burden and promotes efficiency, as contemplated by Rule 1's mandate that the Federal Rules be "construed and administered to secure just, speedy, and inexpensive determination of every action." Fed. R. Civ. P. 1.

V. RULE 8 CONCERNS AND LEAVE TO AMEND

14. Plaintiff recognizes the Court's concerns regarding compliance with Federal Rule of Civil Procedure 8(a) (a short and plain statement of the claim). If this Court deems the operative complaint deficient under Rule 8, Plaintiff respectfully requests:

- A. Leave to file a fourth amended complaint to clarify and summarize the claims;
- B. That such amendment be granted in aid of justice, consistent with Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave when justice so requires.") *Foman v. Davis*, 371 U.S. 178, 182 (1962);
- C. Alternatively, if dismissal is entered, that it be without prejudice, with a stay to allow Plaintiff time to retain counsel.

-I Do not have money to keep paying fees on top of Separations
15. Plaintiff is willing to fully comply with all fees, requirements, and adjustments this Court deems just and proper to prevent dismissal on technical grounds. *The money I have is limited till my release, so*
Please do not dismiss on tech. as you can see all my filings now
comply with Rule 8

VI. RESPECT FOR THIS COURT

16. Plaintiff's respect for this Court and for Magistrate Judge Moor's diligent work is genuinely profound. Plaintiff acknowledges the Court's heavy docket and judicial obligations.

17. Plaintiff is truly grateful for the careful consideration of his filings and prays for fairness so that the merits of the case may be reached in full.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order:

- A. Requiring all Defendants and any agents, employees, representatives, custodians of records, and affiliated parties under their control to preserve all evidence identified herein;
- B. Prohibiting the destruction, alteration, or concealment of any evidence relevant to this action;
- C. Ordering Defendants to submit a written certification of compliance with this Order;
- D. If necessary, granting Plaintiff leave to file a fourth amended complaint consistent with Rule 15(a)(2);
- E. If dismissal under Rule 8 is granted, that dismissal be without prejudice and stayed so Plaintiff may seek counsel; and
- F. For such other relief as the Court deems just and proper.

Jason M Lynch