

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 16 2026

TAMMY H. DOWNS, CLERK
By:  DEP. CLERK

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

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

v.

White County Jail, et al.
Defendants

Civil Action No.: 4:24-cv-00740-LPR-BBM

PLAINTIFF'S PRO SE MOTION TO DENY DEFENDANTS' MOTION FOR LEAVE TO FILE ANSWER OUT OF TIME (DOC. 103)

Plaintiff Jason Matthew Lynch, Reg. No. 07405-510, appearing pro se, respectfully moves this Court to deny Defendants' Motion for Leave to File Answer Out of Time (Doc. 103) and states the following:

I. INTRODUCTION

Defendants seek leave to file their Answer out of time despite their clear failure to comply with the deadlines established by the Federal Rules of Civil Procedure and the summons issued by this Court.

Defendants attempt to justify their delay but fail to demonstrate the "excusable neglect" required under Federal Rule of Civil Procedure 6(b)(1)(B).

Instead, Defendants' request appears to be yet another delay tactic in a case that has already been pending for nearly two years, thereby prejudicing Plaintiff's ability to move forward with discovery, identify John Doe defendants, and timely litigate his constitutional claims.

For the reasons explained below, the Court should deny Defendants' motion.

II. LEGAL STANDARD

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Under Federal Rule of Civil Procedure 12(a)(1)(A), a defendant must serve an answer within 21 days after being served with the summons and complaint.

If that deadline passes, a defendant may only obtain additional time by demonstrating "excusable neglect."

Fed. R. Civ. P. 6(b)(1)(B) provides:

> "When an act may or must be done within a specified time, the court may, for good cause, extend the time after the time has expired if the party failed to act because of excusable neglect."

The Supreme Court in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380 (1993), established that courts must consider:

1. The danger of prejudice to the opposing party
2. The length of the delay and its impact on proceedings
3. The reason for the delay
4. Whether the movant acted in good faith

Courts routinely deny extensions where defendants fail to provide a credible explanation for missing clear deadlines.

See *Chorosevic v. MetLife Choices*, 600 F.3d 934 (8th Cir. 2010) (district courts have broad discretion to deny untimely filings where parties fail to demonstrate excusable neglect).

III. DEFENDANTS HAVE FAILED TO SHOW EXCUSABLE NEGLECT

Defendants' motion fails to establish any legitimate basis for missing their deadline.

Defendants do not demonstrate:

extraordinary circumstances
unavoidable delay
clerical mistake
or any other justification recognized under Rule 6(b)

Instead, Defendants simply request more time after failing to comply with the rules.

Courts have consistently held that mere oversight or attorney neglect does not constitute excusable neglect.

See *Lowry v. McDonnell Douglas Corp.*, 211 F.3d 457 (8th Cir. 2000).

Allowing extensions without proper justification undermines the orderly administration of justice and the procedural deadlines established by the Federal Rules.

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IV. DEFENDANTS HAD CLEAR NOTICE OF SERVICE

Defendants attempt to cast doubt on the timing of service. However, the record demonstrates that Officer Yager accepted and signed for the summons.

It is not believable that a sworn law enforcement officer, acting in an official capacity, cannot determine or recall when she accepted and signed the summons.

That date of service was clearly communicated and should have been known by both Defendants and their counsel.

Defendants cannot now claim uncertainty or confusion regarding service when an officer of the law personally accepted the summons.

Such claims lack credibility and should not be used to excuse non-compliance with the Federal Rules.

V. PLAINTIFF WILL BE UNDULY PREJUDICED BY FURTHER DELAY

This case has already been delayed for nearly two years.

Plaintiff is currently incarcerated and has extremely limited access to legal resources.

Further delay will significantly prejudice Plaintiff because:

1. Plaintiff must conduct discovery to identify and substitute the John Doe defendants involved in the constitutional violations.
2. Plaintiff must secure and preserve evidence before it is lost, destroyed, or altered.
3. Plaintiff must conduct discovery regarding medical care, policies, and staff conduct at White County Jail.

Delays in answering the complaint stall the litigation process and obstruct Plaintiff's ability to pursue discovery.

Courts recognize that prejudice exists where delay interferes with a party's ability to obtain evidence or proceed with litigation.

See Colleton Preparatory Academy Inc. v. Hoover Universal Inc., 616 F.3d 413 (2010).

VI. DEFENDANTS ARE REFUSING TO ANSWER THE COMPLAINT

Defendants have already filed a boilerplate Answer that denies virtually every allegation without substantive response.

A defendant cannot simultaneously:

- refuse to meaningfully answer the complaint
- deny all allegations wholesale
- and then request additional time to answer.

Such conduct suggests a delay strategy rather than good faith participation in litigation.

Federal courts have repeatedly disapproved of general denials used as obstruction tactics.

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See Lane v. Page, 272 F.3d 742.

VII. DEFENDANTS' MOTION APPEARS TO BE A DELAY TACTIC

The pattern of conduct in this case strongly suggests that Defendants are attempting to delay proceedings.

The Federal Rules exist to ensure efficient, fair, and timely resolution of disputes.

Permitting Defendants to ignore deadlines and later request extensions without sufficient justification would reward procedural neglect and further delay this case.

VIII. DEFAULT PRINCIPLES FAVOR ENFORCEMENT OF DEADLINES

While courts prefer cases to be decided on the merits, deadlines must still be enforced.

See Johnson v. Dayton Electric Manufacturing Co., 140 F.3d 781.

Where defendants fail to comply with deadlines and cannot demonstrate excusable neglect, courts are justified in denying extensions and proceeding accordingly.

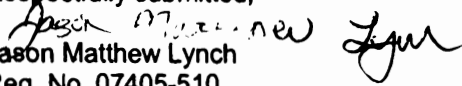
IX. REQUEST FOR RELIEF

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

1. DENY Defendants' Motion for Leave to File Answer Out of Time (Doc. 103);
2. Enforce the procedural deadlines established under the Federal Rules of Civil Procedure;
3. Order Defendants to fully and faithfully respond to the Third Amended Complaint in compliance with Rule 8 and Rule 12;
4. Allow this case to proceed without further delay so Plaintiff may conduct discovery and identify the John Doe defendants responsible for the constitutional violations alleged.

Plaintiff further prays for any other relief the Court deems just and proper.

Respectfully submitted,


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