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EASTERN DISTRICT OF ARKANSAS

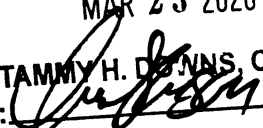
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TAMMY H. DOWNS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

MAR 23 2026

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

JASON LYNCH
Plaintiff

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

CLAYTON EDWARDS, et al.
Defendants

PLAINTIFF'S RESPONSE TO DEFENDANTS' NOTICE OF RESPONSE TO PLAINTIFF'S OBJECTIONS TO MOTION FOR
LEAVE TO FILE ANSWER OUT OF TIME

Plaintiff Jason Lynch, for his response to Defendants' "Notice of Response to Plaintiff's Objections to Motion for Leave to File Answer Out of Time," states:

I. Introduction

Defendants' latest filing does not cure the central defect in their motion: they still have not shown excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B). Rule 6(b)(1)(B) allows an extension after a deadline expires only where the failure to act resulted from excusable neglect. The standard is equitable, but it is not meaningless, and it does not excuse neglect that was plainly within the moving party's reasonable control.

Defendants' own filing admits that they received the summons and complaint, that counsel later learned the service date by checking the docket, and that the delay arose because counsel was "unaware of the exact date" service occurred. That is not excusable neglect. That is a failure to timely determine and comply with a known deadline in a case where Defendants had actual notice, access to the summons, access to the docket, and full ability to protect their rights.

Their reply also overrelies on cases involving defaults or default judgments. No default has been entered here.. The question is narrower and simpler: whether Defendants have shown good cause and excusable neglect for missing the deadline. They have not.

II. Rule 6(b)(1)(B) Requires a Real Showing of Excusable Neglect

Federal Rule of Civil Procedure 6(b)(1)(B) provides that after time has expired, a court may extend the time "for good cause" if the party failed to act because of "excusable neglect." The Supreme Court has explained that excusable-neglect analysis is equitable and considers all relevant circumstances, including prejudice, length of delay, reason for delay, whether the reason was within the movant's control, and good faith.

But the reason for the delay remains a key factor, and the Eighth Circuit has specifically recognized that where the cause of the delay was within counsel's control, that weighs heavily against relief.

That is exactly the problem here.

III. Defendants' Own Filing Shows the Delay Was Within Their Control

Defendants say they received the summons and complaint but that counsel did not know the exact date service occurred until

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checking the docket on February 23, 2026. That explanation defeats, rather than supports, their motion.

The service date was not hidden. It was a matter capable of being determined from:

1. the summons and return,
2. the Court's docket,
3. Defendants' own communications with the person who accepted service, and
4. routine deadline calculation after receipt of process.

A party with actual notice of the lawsuit cannot convert a failure to track the service date into "excusable neglect" simply by saying counsel did not know the exact date. Courts do not treat ordinary failures in calendaring, monitoring, or complying with clear deadlines as automatically excusable. The Eighth Circuit has emphasized that neglect attributable to matters within counsel's control weighs against relief.

Defendants attempt to portray this as a minor clerical issue, but even under *Pioneer*, clients are accountable for their attorneys' acts and omissions. The fact that counsel later checked the docket and discovered the date only underscores that the information was available all along.

IV. Progress Rail Does Not Rescue Defendants

Defendants rely heavily on *Union Pacific Railroad Co. v. Progress Rail Services Corp.*, 256 F.3d 781 (8th Cir. 2001). That reliance is misplaced.

In *Progress Rail*, the Eighth Circuit criticized an overly narrow focus on one mistake and required consideration of all equitable circumstances. But *Progress Rail* does not create a rule that every short delay must be excused. Nor does it hold that a party with actual notice, access to the docket, and control over deadline tracking is automatically entitled to relief.

More importantly, *Progress Rail* involved a context where the defendant's error left it unaware of the suit for a period of time. Here, by Defendants' own admission, they had the summons and complaint. This case is therefore materially different. They were not unaware of the case; they failed to timely act in a case they knew existed.

The distinction matters because a party who actually possesses the pleadings and has access to the docket stands on much weaker ground when claiming excusable neglect. The Eighth Circuit's cases make clear that the reason for the delay remains central, especially where the failure was within the movant's control.

V. Absence of "Concrete Prejudice" Is Not Enough

Defendants argue Plaintiff cannot show "concrete" prejudice, citing *Stephenson v. El-Batrawi*. It is true that prejudice in this context means more than ordinary inconvenience, and courts often look for harms such as loss of evidence, discovery problems, or increased opportunity for fraud or collusion.

But lack of prejudice does not itself establish excusable neglect. The Court must still evaluate all factors, including the reason for delay and whether it was within Defendants' control.

And Plaintiff does suffer real prejudice from continued delay here. This case has already been pending for a significant period. Every additional delay impairs Plaintiff's ability to move discovery forward, identify John Doe actors, preserve evidence, secure institutional records, and prevent further fading of witness memory. Those are not abstract harms. They go directly to the practical ability to litigate a prisoner civil-rights case on the merits.

VI. Defendants Still Have Not Shown a Meritorious Defense

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Defendants also invoke the "meritorious defense" factor. But that factor is not satisfied by conclusory denials or a boilerplate answer. The Eighth Circuit has said the question is whether the proffered material would permit a finding for the defaulting party.

A generalized answer denying everything and listing generic affirmative defenses does not meaningfully demonstrate merit. It shows only a desire to avoid default consequences, not a concrete substantive defense supported by facts. Defendants' filing offers no affidavit, no evidence, and no specific factual showing that would justify the missed deadline or establish a genuinely meritorious defense.

VII. The Cases Defendants Cite Do Not Require Relief Here

Defendants cite cases discussing the judicial preference for adjudication on the merits and caution against harsh default sanctions for marginal failures. That general principle is real. But it does not erase Rule 6(b)(1)(B), and it does not require the Court to excuse neglect every time counsel misses a deadline by blaming uncertainty about service.

This Court may prefer decisions on the merits while still requiring litigants and lawyers to obey deadlines. Otherwise, Rule 6(b)(1)(B)'s excusable-neglect requirement becomes meaningless.

Here, Defendants had notice, access, control, and opportunity. What they lacked was diligence.

VIII. Conclusion

Defendants' latest filing confirms:

they had actual notice of the case,
the service date was available from ordinary sources within their control,
the delay resulted from failure to timely determine and act on that date,
they have not shown specific facts establishing a meritorious defense, and
they have not carried their burden under Rule 6(b)(1)(B).

For those reasons, Plaintiff respectfully requests that the Court deny Defendants' motion for leave to file an answer out of time, reject the excuse offered in Defendants' notice and reply, and grant such other relief as is just and proper.

Respectfully submitted,

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