

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

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SUBJECT: RE: venue summery
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

Jason Matthew Lynch, Reg. 07405-510
Plaintiff

v.

Lynch v. Does et al.

COMPREHENSIVE NOTICE TO ALL COURTS REGARDING JURISDICTION, VENUE, STATUTE OF LIMITATIONS, AND
PROPER MULTI-FORUM LITIGATION STRUCTURE

Plaintiff, Jason Matthew Lynch, respectfully submits this Notice in the United States District Court, the Arkansas Circuit Court, and the Arkansas State Claims Commission to clarify the legal basis for filing related but jurisdictionally distinct claims in three separate forums.

This Notice is provided to prevent misunderstanding and to affirm that Plaintiff's litigation structure is required by constitutional law, federal statute, Arkansas statute, and sovereign immunity doctrine.

I. FEDERAL COURT CIVIL RIGHTS CLAIMS UNDER 42 U.S.C. §§ 1981, 1983, and 1985

A. Federal Question Jurisdiction Is Mandatory

Under 28 U.S.C. § 1331, federal district courts have original jurisdiction over all civil actions arising under the Constitution and laws of the United States.

Plaintiff's federal case asserts violations of:

The First Amendment (retaliation, legal mail interference, religious discrimination)

The Eighth Amendment (deliberate indifference to serious medical needs interruption of prescribed HIV ART medication Biktarvy)

The Fourteenth Amendment (due process violations)

Civil conspiracy to interfere with constitutional rights

These claims are actionable through 42 U.S.C. § 1983, which provides a remedy against persons acting under color of state law.

The Supreme Court has confirmed that § 1983 is the exclusive vehicle for redressing constitutional violations by state actors. See *Monroe v. Pape*, 365 U.S. 167 (1961); *West v. Atkins*, 487 U.S. 42 (1988).

§ 1981 and § 1985 Claims

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Claims under 42 U.S.C. § 1981 and § 1985 arise exclusively under federal law. Federal courts are the primary and proper forum for adjudicating such civil rights violations.

Accordingly, federal court jurisdiction over these claims is not discretionary it is proper and statutorily grounded.

II. SUPPLEMENTAL JURISDICTION AND FEDERAL DECLINATION

Under 28 U.S.C. § 1367(a), federal courts may exercise supplemental jurisdiction over related state law claims.

However, § 1367(c) expressly allows federal courts to decline supplemental jurisdiction.

When a federal court declines jurisdiction over state law claims, those claims must be filed in state court to preserve them.

Thus, Plaintiff's filing in Arkansas Circuit Court was not duplicative it was legally required after federal declination.

Failure to refile in state court would risk permanent loss of those claims due to statute of limitations constraints.

III. ARKANSAS CIRCUIT COURT STATE TORT & STATUTORY CLAIMS

A. Arkansas Circuit Courts Are Courts of General Jurisdiction

Under Arkansas Constitution Amendment 80, § 6, circuit courts are courts of general jurisdiction and are the proper forum for:

Negligence

Medical malpractice

Civil conspiracy (state law)

Intentional infliction of emotional distress

Arkansas Civil Rights Act (ACRA), Ark. Code Ann. § 16-123-101 et seq.

Statutory violations under Arkansas law

These claims arise under Arkansas law, not federal law.

B. Arkansas Civil Rights Act (ACRA)

The Arkansas Civil Rights Act provides a state analogue to § 1983. However, ACRA claims are adjudicated in Arkansas courts.

Thus:

Federal constitutional claims Federal court

Arkansas statutory civil rights claims Arkansas circuit court

This separation is required by sovereign federalism principles.

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IV. ARKANSAS STATE CLAIMS COMMISSION CLAIMS AGAINST THE STATE

A. Sovereign Immunity Mandates Separate Forum

Article 5, § 20 of the Arkansas Constitution states:

> "The State of Arkansas shall never be made defendant in any of her courts."

This constitutional provision bars suits for damages against the State in circuit court.

The Arkansas Supreme Court reaffirmed sovereign immunity's strength in Board of Trustees v. Andrews, 2018 Ark. 12.

Because of this constitutional immunity:

The State of Arkansas cannot be sued for damages in circuit court.

The State cannot be sued for damages in federal court due to Eleventh Amendment immunity. See Will v. Michigan Dep't of State Police, 491 U.S. 58 (1989).

The exclusive forum for monetary claims against the State is the Arkansas State Claims Commission, established under Ark. Code Ann. § 19-10-201 et seq.

Thus, Plaintiff's Claims Commission filing is not optional it is the only lawful venue available.

V. ELEVENTH AMENDMENT & DUAL SOVEREIGNTY

The Eleventh Amendment prohibits federal courts from exercising jurisdiction over suits for damages against states unless immunity is waived.

Arkansas has not waived such immunity.

Therefore:

State actors in official capacity barred in federal court (for damages)

State entity itself barred in circuit court

Proper forum Claims Commission

This jurisdictional fragmentation is created by constitutional structure not by Plaintiff.

VI. STATUTE OF LIMITATIONS ANALYSIS

Civil rights claims under § 1983 borrow the Arkansas personal injury limitations period three years. See Wilson v. Garcia, 471 U.S. 261 (1985).

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Each venue addresses different sovereign actors and legal theories;
No court is being asked to exercise jurisdiction beyond its authority;
Plaintiff is complying with federal and Arkansas law as required.

This multi-venue structure is compelled by:

Federal constitutional law

Eleventh Amendment principles

Arkansas sovereign immunity

Federal court declination of supplemental jurisdiction

Arkansas statutory jurisdictional mandates

VII. CONCLUSION

Jason Matthew Lynch respectfully affirms that:

1. His § 1981, § 1983, and § 1985 claims belong in federal court.
2. His Arkansas tort and statutory claims belong in state circuit court.
3. His claims against the State of Arkansas and ADH belong before the Arkansas State Claims Commission.

This separation of claims is legally required, constitutionally supported, and procedurally proper.

Plaintiff submits this Notice to clarify jurisdictional posture and to affirm that his filings in multiple venues reflect compliance with law not duplication, forum shopping, or abuse.

Respectfully submitted,

Jason Matthew Lynch
Reg. 07405-510

