

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

SUBJECT: RE: PLRA Exhaustion on [AVAILABLE] Administrative Remedies
DATE: 05/09/2026 09:36:02 PM

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

Jason Matthew Lynch,
ADC/BOP Reg. No. 07405-510

v.

WHITE COUNTY, ARKANSAS, et al.,

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY RULING AND JUDICIAL DETERMINATION THAT PLAINTIFF FULLY EXHAUSTED ALL "AVAILABLE" ADMINISTRATIVE REMEDIES UNDER THE PLRA, OR IN THE ALTERNATIVE, THAT THE ADMINISTRATIVE PROCESS WAS OBJECTIVELY UNAVAILABLE, FUNCTIONALLY A DEAD END, RETALIATORY, AND LEGALLY MEANINGLESS

COMES NOW the Plaintiff, Jason Matthew Lynch, pro se, and for his Motion respectfully states as follows:

I. INTRODUCTION

Plaintiff respectfully moves this Honorable Court for a ruling, as a matter of law, that Plaintiff fully exhausted all "available" administrative remedies under the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), or alternatively, that the grievance process at the White County Detention Center ("WCDC") became objectively unavailable, functionally meaningless, retaliatory, unsafe, and incapable of providing any relief whatsoever.

Plaintiff further requests that the Court recognize the following:

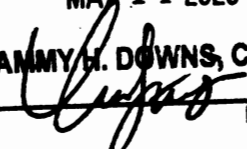
1. Defendants bear the burden of proving failure to exhaust under the PLRA;
2. Plaintiff repeatedly and extensively attempted to exhaust every remedy available to him;
3. The grievance process became a "dead end" under controlling Supreme Court precedent;
4. Jail officials thwarted, obstructed, manipulated, ignored, and retaliated against Plaintiff for attempting to utilize the grievance process;
5. Administrative remedies ceased to be "available" within the meaning of 42 U.S.C. § 1997e(a); and
6. Continued attempts to pursue administrative relief became harmful, dangerous, retaliatory, and entirely futile.

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

MAY 14 2026

TAMMY H. DOWNS, CLERK

By:  DEP. CLERK PLAINTIFF

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

DEFENDANTS

I wrote this for a sister case but also directly applies to the "Exhaustion Defense" in this case as well...

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II. THE DEFENDANTS BEAR THE BURDEN OF PROVING FAILURE TO EXHAUST

The PLRA states:

42 U.S.C. § 1997e(a): \text{No action shall be brought... until such administrative remedies as are available are exhausted.}

The Supreme Court has made clear that exhaustion under the PLRA is an affirmative defense, and therefore the burden rests entirely upon Defendants to prove that Plaintiff failed to exhaust actually available remedies.

In *Jones v. Bock*, 549 U.S. 199 (2007), the Supreme Court held that prisoners are not required to specially plead or demonstrate exhaustion in their complaints. Rather, failure to exhaust is an affirmative defense which must be proven by Defendants.

Likewise, the Eighth Circuit has repeatedly held that the burden remains on Defendants to establish:

an administrative remedy existed,
the remedy was actually available,
and the prisoner failed to properly utilize it.

Nevertheless, Plaintiff submits this Motion in good faith to assist judicial review, narrow the issues before the Court, and move this litigation forward efficiently.

III. PLAINTIFF REPEATEDLY ATTEMPTED TO EXHAUST ALL AVAILABLE REMEDIES

From approximately June 9, 2024 through September 9, 2024, Plaintiff filed well over one hundred (100) grievances, inmate requests, medical requests, and written communications seeking help, relief, medical care, protection, religious accommodation, access to courts, medication assistance, and resolution of the matters now before this Court.

Plaintiff further states:

grievances were submitted through the Smart Communications kiosk system;
verbal requests were made directly to officers and administrators;
written inmate requests were repeatedly submitted;
handwritten letters and requests were directed to jail administration;
appeals were attempted;
requests for copies were repeatedly made;
multiple litigation hold notices were sent;
multiple FOIA and public records requests were mailed by certified mail;
and Plaintiff repeatedly attempted to preserve evidence.

Despite these efforts:

no meaningful relief was ever provided;

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no hearing was ever conducted;
no investigation was meaningfully performed;
no grievance was meaningfully sustained;
conditions only worsened;
retaliation escalated;
and the same official who denied grievances also denied appeals.

Plaintiff reasonably believes many grievance records have been destroyed, withheld, deleted, concealed, or intentionally not produced.

Plaintiff has already served limited discovery requests seeking these grievance records and communications. However, Plaintiff reasonably fears Defendants will refuse production or claim records no longer exist.

Defendants cannot rely upon records they themselves withheld, concealed, failed to preserve, or refused to produce.

IV. THE PROCESS FUNCTIONED AS A "DEAD END"

The Supreme Court in *Ross v. Blake*, 578 U.S. 632 (2016), recognized that prisoners need only exhaust remedies that are actually "available."

Ross identified circumstances where remedies are legally unavailable, including where:

the procedure operates as a simple dead end,
officials are unable or consistently unwilling to provide relief,
the process is so opaque that it becomes practically unusable,
or officials thwart inmates through machination, misrepresentation, or intimidation.

That is precisely what occurred here.

The grievance process existed only on paper. In practice:

grievances were ignored,
appeals were rubber-stamped,
responses routinely consisted only of "So" or "Noted,"
no meaningful review occurred,
no relief was ever granted,
no hearing process existed,
emergency procedures did not exist,

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retaliation followed grievance activity,
and Plaintiff was ultimately prevented from even accessing the system.

At that point, the process became objectively unavailable and legally exhausted as a matter of law.

V. DEFENDANTS THWARTED THE PROCESS THROUGH INTIMIDATION, RETALIATION, AND MANIPULATION

Plaintiff alleges that Defendant Clayton Edwards explicitly told Plaintiff that:

no court would ever see Plaintiff's grievances,
Plaintiff should sue because Edwards was "untouchable,"
and Plaintiff would not receive copies of grievances or requests.

These events allegedly occurred while Plaintiff was locked down in medical housing, where body cameras, jail cameras, and audio systems were present.

Plaintiff repeatedly requested copies of grievances and communications for his records. Defendant Edwards allegedly refused all such requests, responding with statements such as:

"So,"

"Noted,"

or telling Plaintiff to stop "bugging" staff regarding medical issues.

Plaintiff and his wife separately mailed at least four (4) FOIA/public records requests by certified mail seeking grievance records and evidence. These requests were ignored.

Additionally, multiple litigation hold notices were allegedly ignored despite pending litigation.

Such conduct supports a finding that officials intentionally obstructed and manipulated the grievance process while simultaneously attempting to prevent Plaintiff from obtaining proof of exhaustion.

VI. THE PROCESS BECAME UNSAFE AND RETALIATORY

A. Retaliation and Reprisal

Plaintiff alleges that filing grievances resulted in:

punitive lockdowns,
segregation,
harassment,
threats,

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worsening conditions,
retaliatory housing actions,
confrontational treatment by officers,
gaslighting,
and intimidation.

Plaintiff further alleges officers informed him they had been shown his grievances and would "deal with him."

Courts have consistently recognized that intimidation and retaliation can render remedies unavailable.

In Tuckel v. Grover, the court recognized that threats and intimidation may render remedies unavailable.

Similarly, McBride v. Lopez held that fear of retaliation can excuse further exhaustion where a reasonable prisoner would believe filing grievances would endanger him.

Here, Plaintiff asserts continued grievance activity became unsafe and dangerous.

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B. Lockdown Prevented Access to the System

Plaintiff alleges WDCD staff placed him in medical lockdown at the very time he was actively seeking administrative relief.

This lockdown allegedly:

removed access to the Smart Communications system,
prevented grievance filing,
prevented appeals,
prevented communications,
and effectively terminated Plaintiff's ability to pursue remedies.

Plaintiff further alleges Defendants now deny the lockdown occurred.

If Plaintiff could not physically access the only grievance system available, then remedies were not "available" under § 1997e (a).

C. No Emergency Grievance Procedure Existed

Plaintiff alleges that when he requested an emergency grievance procedure from Lt. Hughes, he was informed no such emergency procedure existed.

This deprived Plaintiff of any meaningful avenue for emergency medical or safety complaints.

A grievance system incapable of addressing emergencies cannot constitute an actually available remedy for urgent constitutional harms.

VII. THE APPEALS PROCESS WAS STRUCTURALLY MEANINGLESS

Plaintiff states that:

the same official who denied grievances also denied appeals;
appeals received no independent review;
no neutral decisionmaker existed;
no hearings occurred;
and no investigation was conducted.

Responses allegedly consisted of meaningless statements such as:

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"So,"

"Noted,"

and automatic denials.

The grievance process therefore operated as a predetermined rubber-stamp system designed to deny relief rather than resolve complaints.

Courts have repeatedly held that when officials are consistently unwilling to provide relief, remedies become unavailable under *Ross v. Blake*.

VIII. REFUSAL TO PROVIDE COPIES AND RECORDS FURTHER RENDERED THE PROCESS UNAVAILABLE

Plaintiff repeatedly requested copies of:

grievances,

inmate requests,

medical communications,

and administrative responses.

These requests were denied.

Plaintiff further sent multiple FOIA/public records requests and litigation hold notices which were ignored.

Defendants cannot simultaneously:

1. refuse to provide grievance records,
2. refuse to preserve records,
3. refuse public records requests,
4. refuse copies to the inmate, and then later claim Plaintiff cannot prove exhaustion.

Such conduct further demonstrates obstruction, manipulation, and bad-faith interference with the grievance process.

IX. CONTROLLING AUTHORITIES SUPPORT PLAINTIFF

The following authorities strongly support Plaintiff's position:

Ross v. Blake remedies unavailable where process is a dead end or thwarted;

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Jones v. Bock exhaustion is an affirmative defense;

Miller v. Norris remedies unavailable where officials prevent access;

Hammett v. Cofield substantial compliance and prison consideration may satisfy exhaustion;

Porter v. Sturm grievance obstruction and retaliation relevant to availability;

Tuckel v. Grover intimidation can render remedies unavailable;

McBride v. Lopez fear of retaliation may excuse further exhaustion;

Foulk v. Charrier prisoner exhausted where officials failed to respond to grievance process.

These authorities collectively demonstrate that the PLRA does not require prisoners to endlessly pursue sham procedures that:

provide no relief,

expose prisoners to retaliation,

deny access,

conceal records,

and operate only as a façade.

X. PLAINTIFF HAS ADDITIONAL SUPPORTING EVIDENCE

Plaintiff states he possesses or intends to present:

sworn declarations,

inmate witness testimony,

staff witness testimony,

handwritten logs,

grievance tracking logs,

medical request records,

certified mail receipts,

litigation hold notices,

FOIA requests,

public records requests,

and other corroborating evidence.

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Plaintiff's handwritten logs already docketed in related litigation contain detailed dates, times, actions, actors, statements, and events contemporaneously recorded.

These records further establish Plaintiff's extensive efforts to seek relief and document the obstruction of the process.

XI. CONCLUSION

For all the foregoing reasons, Plaintiff respectfully prays this Court rule that:

1. Plaintiff fully exhausted all actually available remedies under 42 U.S.C. § 1997e(a);
2. The grievance process became objectively unavailable, unsafe, retaliatory, meaningless, and incapable of providing relief;
3. Defendants are estopped from asserting failure to exhaust where they obstructed access, withheld records, retaliated, and rendered the process a dead end;
4. The PLRA exhaustion requirement has therefore been satisfied as a matter of law;
5. Defendants bear the burden under Jones v. Bock and cannot meet that burden;
6. Plaintiff be permitted to proceed on the merits of his constitutional and statutory claims without further exhaustion disputes.

WHEREFORE, Plaintiff respectfully prays for all relief deemed just and proper.

Respectfully submitted,

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