

IN THE SUPREME COURT OF ARKANSAS

JASON MATTHEW LYNCH, APPELLANT

v.

WHITE COUNTY, ARKANSAS, ET AL., APPELLEES

NO. CV-26-301

BRIEF OF APPELLANT JASON MATTHEW LYNCH

Re: Jason M. Lynch v. White County Jail; Sheriff White County; John Does 1-25; Jane Does; 1-10; Private Medical Contractors , White County Jail; Arkansas Department of Health; and Unknown insurers, CY-26-301, appeal From transport order entered April 7, 2026 [pro se petition for declaratory judgment and injunctive Relief filed April 1, 2026,

White County Circuit Court, 73CY-26-287

Preservation of Issues for Review

Appellant raised each issue presented in this appeal before the circuit court through written motions, objections, notices, emergency motions, venue motions, and filings contained in the record. The circuit court either denied relief or failed to rule upon the requested relief, thereby preserving the issues for appellate review.

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JURISDICTIONAL STATEMENT

This appeal concerns whether a circuit court may move a civil action toward trial while threshold procedural issues remain unresolved. Appellant challenges the trial setting, transport order, unresolved venue issues, and unresolved emergency motions.

Appellant, Jason Matthew Lynch, appeals from orders entered by the White County Circuit Court in Case No. 73CV-26-287. This appeal arises from proceedings in which the circuit court issued a writ directing Appellant's transport from federal custody, set the matter for trial, and proceeded while threshold procedural issues remained unresolved.

Appellant is a federal inmate formerly confined at the Federal Correctional Institution in El Reno, Oklahoma. At all times relevant to this appeal, Appellant was pursuing civil claims arising from events occurring during his confinement at the White County Detention Center.

During the pendency of the litigation, Appellant filed multiple motions seeking emergency relief, including motions requesting a stay of proceedings, relief from the transport order, and a change of venue. Appellant contended that unresolved procedural issues prevented the case from proceeding fairly and that substantial safety concerns existed regarding any return to White County custody.

The circuit court subsequently entered orders setting the matter for trial and issuing a writ for Appellant's production despite Appellant's objections, pending motions, and requests for alternative means of appearance, including video appearance. Appellant maintained that service issues, discovery issues, venue issues, and emergency motions remained unresolved.

Appellant timely filed notices of appeal seeking review of the challenged orders and the circuit court's refusal to resolve threshold matters before proceeding. The issues presented involve substantial questions concerning due process, access to the courts, venue, judicial administration, and the proper exercise of authority over a federal inmate in a state civil proceeding.

Jurisdiction is proper pursuant to Article 7 of the Arkansas Constitution, Arkansas Supreme Court Rule 1-2, and the Arkansas Rules of Appellate Procedure—Civil because Appellant seeks review of final and appealable orders, as well as extraordinary relief concerning issues affecting the administration of justice.

The issues presented for review are:

- A. Whether the circuit court violated due process by setting trial before completion of service, responsive pleadings, discovery, and resolution of threshold motions.
- B. Whether the circuit court erred by failing to rule upon Appellant's motion for change of venue before proceeding toward trial.
- C. Whether the circuit court erred by failing to rule upon pending emergency motions seeking immediate relief.
- D. Whether the circuit court abused its discretion by issuing a civil writ directing Appellant's transport from federal custody despite available alternatives such as video appearance.
- E. E. Whether the circuit court failed to adequately address substantial safety concerns raised by Appellant regarding a return to White County custody.

PRESERVATION OF ISSUES

Appellant raised the issues presented through motions, objections, notices, venue motions, and emergency filings. Relief was denied or not ruled upon, preserving the issues for review.

The ultimate merits of Appellant's claims.

The question before the Court is whether a circuit court may move a civil case toward trial while skipping civil rules of procedures and while threshold procedural issues remain unresolved, including venue, emergency motions, and requests for alternative means of appearance.

Appellant submits that due process requires those issues to be resolved before a litigant is compelled to proceed toward trial.

STATEMENT OF THE CASE AND FACTS

Appellant filed civil claims and sought venue relief at the time of filing, then later on emergency relief, and alternative means of appearance. The circuit court proceeded toward trial and issued a transport writ while Appellant contends threshold matters remained unresolved.

This appeal arises from proceedings in White County Circuit Court Case No. 73CV-26-287.

Appellant filed civil claims arising from events occurring during his confinement at the White County Detention Center. Those claims included allegations involving conditions of confinement, medical treatment, retaliation, and related constitutional violations.

Following the filing of the action, multiple procedural issues arose. Appellant filed motions seeking emergency relief and renewed change of venue. Appellant asserted that a fair proceeding could not occur in White County and requested transfer of the case to another county. Appellant further requested that the circuit court address pending emergency issues before proceeding further. The court refused or did not respond to them, when the circuit court clerk was contacted she said the judge had seen them but was ruling on them.

While those matters remained pending, the circuit court issued a writ seeking Appellant's production from federal custody and scheduled the case for trial. Appellant objected to the writ and argued that he was a civil plaintiff, not a criminal defendant, and that alternatives existed that

would allow participation without physical transport. Appellant specifically proposed video appearance and telephonic appearance as less restrictive alternatives, again the court did not rule or fused to rule on the matter.

Appellant further informed the circuit court that he remained in federal custody and was nearing release planning. He asserted that physical transport could interfere with federal programming, release preparation, and other federal interests. Appellant also argued that he had pending legal matters requiring continued access to legal materials and communication resources.

In addition, Appellant repeatedly expressed concerns regarding his safety if returned to White County custody. Appellant informed the court that White County and its employees were defendants in ongoing litigation and that he feared retaliation and harm if returned to the same facility. Appellant requested protective relief and alternative means of appearance, again the court refused to rule or just did not respond for over 60 days.

Appellant contends that despite these concerns, the circuit court continued moving the case toward trial without first resolving venue issues, emergency motions, and other threshold procedural matters. According to Appellant, service and discovery remained incomplete and the case was advanced toward trial before ordinary civil procedures had been completed.

Believing that these actions violated due process and threatened irreparable harm, Appellant sought appellate review and extraordinary relief. This appeal followed.

Points on Appeal

POINT I

THE CIRCUIT COURT VIOLATED APPELLANT'S RIGHTS TO DUE PROCESS OF LAW BY SETTING THE CASE FOR TRIAL BEFORE RESOLVING PENDING JURISDICTIONAL, SERVICE, DISCOVERY, AND VENUE ISSUES.

The circuit court scheduled the matter for trial while substantial threshold issues remained unresolved, including questions regarding service, venue, discovery, and the court's jurisdiction over the parties. The court also skipped serving the defendants, skipped any reply or answers, and skipped discovery. Without proper service on the defendants the court does not jurisdiction and any judgment can be challenged as void for lack of service . By proceeding toward trial without first addressing these issues, the court deprived Appellant of a meaningful opportunity to prepare and present his claims and defenses, in violation of the Due Process Clauses of the Arkansas and United States Constitutions.

POINT II

THE CIRCUIT COURT ABUSED ITS DISCRETION BY ISSUING A CIVIL WRIT THAT INTERFERED WITH FEDERAL CUSTODY AND CREATED SUBSTANTIAL SECURITY, TRANSPORTATION, AND JURISDICTIONAL CONCERNS.

(see supplemental section on this matter art the end of the brief)

The circuit court ordered Appellant's production from federal custody through a civil writ despite Appellant being under the exclusive authority of the Federal Bureau of Prisons. The Bureau of

Prisons later refused to authorize the transfer, citing irregularities, security concerns, and interference with federal custody. The BOP's refusal demonstrates the extraordinary nature of the writ and confirms that the circuit court failed to adequately consider federal custody interests and less restrictive alternatives for Appellant's participation.

POINT III

THE CIVIL WRIT ISSUE IS NOW MOOT BECAUSE THE FEDERAL BUREAU OF PRISONS DENIED THE REQUEST FOR TRANSFER AND OFFERED ALTERNATIVE METHODS OF APPEARANCE THAT WERE NOT UTILIZED.

After review by federal authorities, the Bureau of Prisons declined to authorize the requested transfer and instead proposed alternative methods for Appellant's appearance. Because the requested transport can no longer occur and federal authorities have definitively rejected the transfer request, the controversy surrounding the civil writ has become moot. The appellate court should recognize the issue's mootness while addressing the procedural errors that led to the improper writ request.

- 1. POINT IV – Denial of Meaningful Access to the Courts**
- 2. POINT V – Trial by Surprise and Lack of Adequate Time to Prepare**
- 3. POINT VI – Failure to Rule on Pending Motions Before Trial**
- 4. POINT VII – Abuse of Discretion in Refusing Less Restrictive Means of Participation Such as Video Conference, Telephone Appearance, Deposition Testimony, or Continuance**
- 5. POINT VIII – Cumulative Due Process Violations Require Reversal and Remand**

ARGUMENT

- A. Standard of Review.
- B. The Circuit Court Violated Due Process By Proceeding Toward Trial Before Resolving Threshold Issues.
- C. The Circuit Court Erred By Failing To Rule Upon Venue.
- D. The Circuit Court Erred By Failing To Rule Upon Emergency Motions.
- E. The Circuit Court Abused Its Discretion By Issuing A Transport Writ Despite Available Alternatives.
- F. The Circuit Court Failed To Adequately Address Safety Concerns.

Standard of Review (A)

Questions involving due process, constitutional rights, jurisdiction, and the interpretation of court authority are reviewed de novo on appeal. The Arkansas Supreme Court is not bound by a circuit court's conclusions of law and reviews those issues independently.

A circuit court's procedural rulings are generally reviewed under an abuse-of-discretion standard. However, when procedural rulings affect a litigant's constitutional right to notice and a meaningful opportunity to be heard, the Court conducts a careful review to ensure compliance with due process requirements.

Likewise, extraordinary writs, venue determinations, and matters affecting the administration of justice fall within the supervisory authority of the Arkansas Supreme Court and warrant independent review where necessary to prevent a miscarriage of justice.

**(B) THE CIRCUIT COURT VIOLATED APPELLANT’S RIGHT TO DUE PROCESS BY
PROCEEDING TOWARD TRIAL BEFORE COMPLETION OF BASIC CIVIL PROCEDURES.**

The Fourteenth Amendment to the United States Constitution and Article 2 of the Arkansas Constitution guarantee that no person shall be deprived of liberty or property without due process of law. At its core, due process requires notice and a meaningful opportunity to be heard.

Appellant contends that the circuit court moved this matter toward trial while threshold procedural requirements remained unresolved. According to Appellant, service of process issues remained outstanding, discovery had not been completed, responsive pleadings had not been fully addressed, and several pending motions remained undecided.

The purpose of civil procedure is to ensure that parties have a fair opportunity to gather evidence, identify witnesses, develop legal arguments, and prepare for trial. When a case is advanced toward trial before those procedures are completed, the result is not an orderly adjudication but a trial by surprise. Appellant repeatedly informed the circuit court that he remained confined in federal custody, had limited access to legal resources, and required rulings on pending matters before meaningful preparation could occur. Nevertheless, the court continued to move the case forward.

Because the challenged actions deprived Appellant of a meaningful opportunity to prepare and present his claims, the resulting prejudice constitutes reversible error.

**(C) THE CIRCUIT COURT ERRED BY FAILING TO RULE UPON APPELLANT’S MOTION
FOR CHANGE OF VENUE BEFORE PROCEEDING TOWARD TRIAL.**

Venue is not a mere technicality. Venue determines where a case will be heard and directly affects the fairness and impartiality of judicial proceedings.

Appellant filed both a Motion for Change of Venue and a Renewed Motion for Change of Venue. Those motions raised concerns regarding fairness, impartiality, and the ability to obtain a fair hearing in White County.

Rather than deciding the venue question before proceeding further, the court continued moving the case toward trial.

The failure to decide venue before trial preparation forces litigants to expend substantial time and resources in a forum that may later be determined improper. More importantly, it deprives the litigant of certainty regarding where the case will ultimately be heard.

The circuit court’s failure to rule on venue before proceeding toward trial constituted an abuse of discretion and deprived Appellant of meaningful review of a fundamental procedural issue.

For these reasons, the orders entered after the venue motion remained unresolved should be vacated and the matter remanded with instructions that venue first be decided.

**(D) THE CIRCUIT COURT ERRED BY FAILING TO RULE UPON PENDING EMERGENCY
MOTIONS SEEKING IMMEDIATE RELIEF.**

The record reflects that Appellant filed multiple emergency motions seeking relief related to the transport order, trial setting, and other matters requiring immediate attention.

Emergency motions exist because certain harms cannot be adequately remedied after they occur. A motion seeking emergency relief becomes meaningless if the court declines to address it until after the alleged harm has already happened.

Appellant repeatedly requested expedited consideration because he alleged that immediate and irreparable harm would occur if the court proceeded without first addressing his concerns. Those concerns included transportation from federal custody, interference with release planning, safety concerns, and denial of access to legal resources.

When a litigant presents claims of imminent harm, a court must provide meaningful consideration and timely resolution. Failure to rule effectively denies relief without adjudication.

Accordingly, the circuit court abused its discretion by failing to timely resolve Appellant's emergency motions before proceeding further.

**(E) THE CIRCUIT COURT ABUSED ITS DISCRETION BY ISSUING A CIVIL WRIT OF
TRANSPORT DESPITE AVAILABLE ALTERNATIVES.**

The challenged writ directed Appellant's transport from federal custody for purposes of a state civil proceeding. The court did not jurisdiction to order the BOP to release custody of Me to the white county sheriff for transport to WCDC.

Unlike a criminal defendant facing criminal prosecution, Appellant was the plaintiff in a civil action. He was not seeking to avoid participation in the proceedings. Instead, he repeatedly requested alternative methods of participation, including video appearance and telephonic appearance.

Modern technology routinely permits remote participation in civil proceedings. Such alternatives reduce cost, avoid transportation risks, preserve institutional resources, and protect the interests of all parties.

Appellant informed the court that transportation could interfere with federal custody classification, release planning, programming, medical needs, and other federal interests. He further asserted that transportation would hinder his ability to pursue pending legal matters and maintain access to legal materials.

The circuit court failed to adequately consider these alternatives before issuing the writ.

Because less restrictive options existed, issuance of the writ constituted an abuse of discretion.

**(F) THE CIRCUIT COURT FAILED TO ADEQUATELY ADDRESS SUBSTANTIAL SAFETY
CONCERNS RAISED BY APPELLANT.**

Throughout these proceedings, Appellant repeatedly informed the circuit court that White County and various White County officials were defendants in ongoing litigation brought by Appellant.

Appellant advised the court that he feared retaliation, intimidation, and harm if returned to the same facility that formed the basis of his claims. Appellant further represented that prior concerns regarding his treatment and safety had previously been raised before federal authorities.

Whether those allegations ultimately prove true is not the issue before this Court. **The issue is whether the circuit court adequately considered them before proceeding.**

Courts routinely consider safety, security, and custodial concerns when determining how incarcerated litigants will participate in proceedings. Here, Appellant proposed reasonable alternatives that would have avoided the need for transport altogether.

Instead of addressing those alternatives, the court proceeded in a manner that Appellant contends exposed him to unnecessary risk.

Under these circumstances, the circuit court abused its discretion by failing to adequately address Appellant's substantial safety concerns.

ADDENDUM & ABSTRACT

February 24, 2026 Judge Mark Pate & and **ALL OTHER WHITE COUNTY JUDGES** entered an Order of Recusal and recused themselves from Case No. 73CV-26-287.

March 3, 2026 The Arkansas Supreme Court assigned retired Circuit Judge Bentley E. Story to hear the matter.

March 12, 2026 The Arkansas Supreme Court terminated Judge Story's assignment.

March 20, 2026 The Arkansas Supreme Court assigned retired Circuit Judge Robert Bynum Gibson, Jr., to preside over the case.

April 1, 2026 Appellant filed his state-law complaint, omnibus filing notice, motion for recusal, motion for change of venue, motion to preserve evidence, and supporting pleadings.

April 7, 2026 The circuit court entered a transport order directing Appellant's transfer from federal custody and set the matter for trial on May 14, 2026.

April 9–12, 2026 Appellant filed multiple emergency motions seeking:

- I. recall or quashal of the writ,
- II. a stay of proceedings,
- III. a continuance,
- IV. a ruling on venue,
- V. discovery,
- VI. appearance by video or telephone,
- VII. protection from transfer to White County custody.

April 17, 2026 Appellant filed a Notice of Appeal challenging the transport order and related proceedings.

May 1, 2026 The Arkansas Supreme Court acknowledged receipt of the appeal and assigned Case No. CV-26-301. The Court identified the April 7, 2026 transport order as the order under review.

May 2–12, 2026 Appellant filed emergency motions to expedite, petitions for mandamus and prohibition, emergency notices, and a motion to supplement the appellate record.

May 5, 2026 The Arkansas Supreme Court denied the motion to expedite.

EXPANDED ABSTRACT OF THE RECORD

Nature of the Case

This appeal arises from White County Circuit Court Case No. 73CV-26-287. Appellant Jason Matthew Lynch initiated a civil action against White County Jail and related defendants asserting constitutional, statutory, and tort claims arising from his confinement at the White County Detention Center. During the pendency of the litigation, Appellant remained in the exclusive custody of the Federal Bureau of Prisons at FCI El Reno.

The appeal primarily concerns the circuit court's issuance of a trial-setting order and transport order while service remained incomplete, responsive pleadings had not been filed, discovery had not occurred, venue and recusal motions remained pending, and Appellant repeatedly requested less restrictive alternatives to physical transport.

Judicial Assignment History

The record reflects that multiple judicial recusals in fact all white county judges recused themselves and assignments occurred before the matter proceeded toward trial.

The originally assigned circuit judge recused. The Arkansas Supreme Court subsequently assigned Special Judge Bentley Story. That assignment was later terminated. The Arkansas Supreme Court thereafter assigned the Honorable Robert Bynum Gibson, Jr. to preside over the matter and related proceedings.

Despite the changes in judicial assignment, venue issues, recusal concerns, and multiple pending motions remained unresolved as the case advanced toward trial.

Motion for Judicial Recusal

Appellant filed a Motion for Judicial Recusal requesting that the presiding judge recuse and that venue issues be considered by a newly assigned judicial officer.

Appellant alleged that the litigation involved White County governmental entities, county employees, county contractors, jail officials, and individuals closely connected to the local judicial system. Appellant argued that the appearance of impartiality required recusal and independent consideration of venue.

Appellant requested reassignment of the case and preservation of public confidence in the fairness and integrity of the proceedings.

Motion for Change of Venue

Appellant subsequently filed a Motion for Change of Venue and supporting memorandum.

The motion alleged that:

1. White County officials constituted a substantial portion of the defendants;
2. White County governmental entities were directly implicated in the allegations;
3. Witnesses and evidence were concentrated within White County governmental control;
4. Local institutional relationships created concerns regarding impartiality;
5. A fair and neutral forum could not reasonably be obtained within White County.

Appellant requested transfer to another county to ensure impartial proceedings.

The record reflects no ruling on the venue motion before trial was scheduled.

Motion to Preserve Evidence

Appellant filed a Motion to Preserve Evidence seeking an order compelling defendants to preserve all evidence relevant to the litigation.

The motion sought preservation of:

- Surveillance footage; - Body-camera recordings; - Jail logs; - Medical records; - Medication administration records;
- Grievance records; - Internal communications; - Personnel records; - Electronic communications;
- Electronically stored information; - Metadata and audit logs.

Appellant argued that virtually all critical evidence remained in defendants' possession and that preservation was necessary to prevent spoliation.

The record reflects no ruling on the motion before the challenged trial setting.

Order Setting Trial

On April 7, 2026, the circuit court entered an Order Setting Trial Date.

The order scheduled:- Pretrial conference: May 14, 2026; 30 min before trial in chambers

- Trial: May 14, 2026. The trial setting occurred despite:
- Incomplete service; - Lack of responsive pleadings; - Lack of discovery; - Unresolved venue issues;
- Unresolved recusal issues; - Pending preservation requests; - Pending emergency motions.

Appellant repeatedly objected to proceeding under those circumstances.

Pick-Up Order

On April 7, 2026, the circuit court entered a Pick-Up Order directing White County authorities to obtain Appellant from federal custody.

The order directed federal officials to surrender Appellant and required transportation to White County for participation in proceedings.

The order effectively sought temporary removal of Appellant from Bureau of Prisons custody and transfer to White County Detention Center.

The order became the primary subject of Appellant's emergency filings.

Objection to Scheduling Order and Writ

On April 9, 2026, Appellant filed an Objection to Scheduling Order and Order for Writ, Motion to Recall and Set Aside Writ, and Request for Stay.

Appellant argued:

- Defendants had not been served; - Defendants had not answered; - Discovery had not occurred;
- No evidentiary record existed; - No hearings had been conducted; - No scheduling order supported meaningful trial preparation.

Appellant asserted that setting trial under those circumstances violated procedural due process and fundamental fairness.

Appellant requested: 1. Vacatur of the trial setting; 2. Recall of the transport order; 3. Stay of proceedings; 4. Opportunity for discovery; 5. **Opportunity to retain counsel.**

Appellant further argued that transporting him back to White County created safety concerns and risked retaliation.

Emergency Motion to Recall Writ and Stay Proceedings

Appellant next filed a Combined Emergency Motion requesting:

- Recall of the writ; - Vacation of transfer orders; - Thirty-to-sixty-day stay;
- Remote appearance; - Alternative relief.

Appellant advised the court that he was nearing completion of Bureau of Prisons programming and expected imminent placement on home confinement.

Appellant alleged that transportation would:

- Disrupt RDAP participation; - Disrupt EBRR programming; - Jeopardize First Step Act credits;
- Delay release; - Interfere with medical care; - Prevent retention of counsel;
- Interfere with educational certification.

Appellant argued that a short continuance would prevent irreparable harm while causing little prejudice to defendants.

Emergency Motion for Video Appearance

Appellant filed a separate emergency motion requesting appearance by video conference or telephone.

Appellant specifically requested:

1. Video conference appearance; 2. Telephone appearance; 3. Appearance after release.

Appellant argued that physical transport was unnecessary because remote technology was available.

The motion cited:

- Security concerns; - Cost concerns; - Fairness considerations; - Availability of remote technology.

Appellant argued that remote participation would preserve both judicial economy and constitutional protections.

Emergency Motion Regarding Liberty Interests

Appellant filed an additional emergency motion asserting that transport would interfere with protected liberty interests.

The motion alleged: - Loss of earned federal release credits; - Disruption of federal programming;

- Interference with educational completion; - Delay of medical treatment; - Risk of retaliation;

- Risk to personal safety.

Appellant argued that the requested transfer would effectively extend the consequences of federal custody solely to facilitate attendance in a civil matter.

Appellant maintained that less restrictive alternatives existed.

Safety Concerns

Throughout multiple filings, Appellant repeatedly asserted that return to White County Jail would expose him to substantial safety risks.

Appellant referenced: - Pending retaliation claims;- Prior allegations of retaliation;- Medical lockdown placement;- Restrictions on legal access;- Prior federal findings allowing retaliation claims to proceed.

Appellant consistently maintained that transport would expose him to renewed retaliation and interfere with his ability to litigate.

Access to Courts

Appellant repeatedly argued that transportation and placement within White County custody would impair his ability to prosecute his civil action.

Appellant alleged: - Reduced access to legal materials;- Restricted communication;

- Limited preparation time;- Inability to complete discovery;- Inability to coordinate with counsel.

Appellant argued that meaningful access to courts required alternatives to transport.

Requests for Alternative Relief

Across multiple motions, Appellant consistently proposed alternatives:

- Video appearance; - Telephone appearance; - Short continuance; - Stay of proceedings;
- Appearance after release; - Dismissal without prejudice if necessary.

The record reflects that Appellant did not simply object to transport but repeatedly proposed less restrictive alternatives.

Failure to Rule on Pending Motions

The record reflects that numerous motions remained pending when the court set trial and issued the transport order.

- Pending matters included:- Venue motion;- Recusal motion;- Preservation motion;- Stay requests;
- Continuance requests;- Remote appearance requests;- Recall-of-writ motions.

Despite the existence of these unresolved matters, the case continued toward the scheduled May 14, 2026 proceeding.

Emergency Appellate Proceedings

Following entry of the transport order, Appellant sought emergency relief from the Arkansas Supreme Court.

Appellant filed: - Emergency notices;- Motions to expedite;- Requests for stay;- Requests to quash the writ;- Requests for extraordinary relief.

Appellant argued that immediate intervention was necessary to prevent irreparable harm and preserve meaningful review.

Subsequent Mootness of Transport Order

Following the filing of the appeal, the Bureau of Prisons declined to authorize transportation pursuant to the state civil writ.

Federal officials determined that the requested transfer presented significant concerns regarding federal custody administration and sentence execution. Alternative means of participation were available.

As a result: - Appellant was never transported;- White County never obtained physical custody;

- The transport order was never executed. Accordingly, the physical transport controversy became moot. However, the underlying issues remained:

- Due process;- Venue;- Recusal;- Discovery;- Failure to rule on motions;

- Trial setting;- Alternative appearance procedures;- Judicial discretion.

Those issues continue to present live controversies capable of appellate review.

ADDENDUM INDEX

1. Order Setting Trial Date (April 7, 2026)
2. Pick-Up Order / Transport Order (April 7, 2026)
3. Motion for Judicial Recusal
4. Motion for Change of Venue
5. Memorandum Supporting Change of Venue
6. Motion to Preserve Evidence
7. Objection to Scheduling Order and Writ
8. Motion to Recall and Set Aside Writ
9. Request for Stay of Proceedings
10. Emergency Motion for Video Appearance
11. Emergency Motion for Telephone Appearance
12. Combined Emergency Motion for Stay or Continuance
13. Emergency Motion Regarding Liberty Interests
14. Emergency Motion Requesting Alternative Relief
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20. Orders Concerning Special Judge Assignments
21. Bureau of Prisons Refusal to Authorize Transport (Supplemental Addendum)
22. Correspondence Reflecting Alternative Means of Appearance
23. Orders Denying Emergency Relief
24. Any Orders Failing to Rule on Venue, Recusal, Preservation, Stay, or Remote Appearance Motions
25. Any Subsequent Orders Relevant to Mootness of the Transport Issue

Supplemental Statement Regarding Mootness of the Civil Writ of Transport and why this appeal should not be dismissed for that reason

Following the filing of this appeal, the circumstances surrounding the challenged civil writ materially changed. Appellant has since been advised by officials of the Federal Bureau of Prisons that the civil writ directing Appellant's transfer from federal custody to White County would not be authorized or executed. Appellant was informed that the proposed transfer raised substantial concerns because it would interfere with an ongoing federal sentence, disrupt federal programming, affect release-related matters, and create unnecessary complications regarding federal custody. Appellant was further advised that alternative means of participation, including video or telephonic appearance, were available and could be utilized without requiring physical transfer from federal custody.

As a result, the specific transport contemplated by the April 7, 2026 transport order became incapable of execution. To that extent, the immediate controversy concerning Appellant's physical transfer may be considered moot. **However, dismissal of this appeal on mootness grounds would be inappropriate for several reasons.**

First, the issues presented are capable of repetition yet evading review. The challenged order was entered approximately thirty days before the scheduled proceeding, leaving insufficient time for ordinary appellate review before the controversy expired. Similar transport orders affecting incarcerated litigants can repeatedly arise yet become moot before appellate review can be completed. Thus, the issue falls squarely within a recognized exception to the mootness doctrine.

Second, the appeal raises issues of substantial public importance concerning the authority of state courts to compel transport of federal inmates in civil proceedings, the availability of less restrictive alternatives such as video appearances, and the procedural safeguards required before issuing orders that interfere with federal custody. **These questions extend beyond the immediate circumstances of this case and are likely to recur.**

Third, the record demonstrates that Appellant repeatedly requested alternative appearance methods before seeking appellate intervention. Appellant filed motions requesting appearance by telephone or video conference and repeatedly sought less restrictive alternatives to physical transport. **The subsequent position taken by Bureau of Prisons officials confirms that such alternatives existed and could have avoided the controversy altogether.**

Fourth, the challenged writ cannot be viewed in isolation. The transport order was entered in conjunction with a trial setting that Appellant contends was procedurally defective because venue issues remained pending, emergency motions remained unresolved, and Appellant had repeatedly raised concerns regarding service, discovery, and due process. **Even if the transport order itself can no longer be executed, the underlying procedural concerns remain relevant to the issues presented on appeal.**

Finally, the record reflects that Appellant consistently raised safety concerns regarding any return to White County custody due to ongoing litigation involving White County officials and events that

form the basis of separate federal civil-rights proceedings. Although the Bureau of Prisons ultimately declined to authorize the transfer, the concerns prompting Appellant's objections remain part of the record and provide important context for the challenged order.

Accordingly, while the Bureau of Prisons' refusal to authorize execution of the civil writ may render the specific transport request moot, Appellant respectfully submits that the appeal should not be dismissed. The issues presented are capable of repetition yet evading review, involve matters of substantial public interest, and remain relevant to the Court's consideration of the legality and propriety of the challenged proceedings. Appellant therefore requests that the Court consider the merits of the issues presented notwithstanding the subsequent inability to execute the transport order.

CONCLUSION

This case presents far more than a routine procedural dispute. At its core, it concerns the fundamental guarantees of due process, fairness, and the orderly administration of justice.

Appellant repeatedly advised the circuit court that he remained in exclusive federal custody, lacked meaningful access to his legal materials, and faced substantial obstacles in preparing and presenting his case. Despite these concerns, critical motions remained unresolved, discovery was never meaningfully conducted, civil rules of procedures were ignored, judicial cannons were disregarded; and a trial was scheduled under circumstances that deprived Appellant of a fair opportunity to be heard. A trail by ambush!

Compounding these errors, the State sought to secure Appellant's appearance through a civil writ that federal authorities ultimately refused to honor. The

Bureau of Prisons determined that the requested transfer raised significant concerns, was highly irregular, interfered with federal custody, and could not be authorized in good faith. Federal officials instead offered alternative means of participation, which were rejected. As a result, the controversy surrounding the civil writ is now moot, further demonstrating the impracticality and legal deficiencies of the proceedings below. However this only helps prove the Mr Lynch can not get a fair trial in white county Arkansas.

The record reflects a series of procedural irregularities that, when viewed collectively, deprived Appellant of the fundamental fairness required by both the Arkansas Constitution and the United States Constitution. Courts exist to resolve disputes on their merits, not through procedural shortcuts that deny a litigant a meaningful opportunity to present his claims.

For these reasons, Appellant respectfully requests that this Court reverse the orders appealed from, vacate any resulting judgment, and remand this matter for further proceedings consistent with due process and the requirements of law. Appellant further requests all other relief to which he may be justly entitled.

REQUEST FOR RELIEF

Appellant respectfully requests reversal of the challenged orders, vacatur of the transport writ, remand for proper proceedings, and all other appropriate relief.

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Reverse the orders challenged in this appeal;
2. Vacate the writ directing Appellant's transport from federal custody;
3. Vacate any trial settings entered before completion of ordinary civil procedures;
4. Direct the circuit court to rule upon Appellant's venue motion and pending emergency motions; or move this case to Little Rock's Civil Courts
5. Remand the matter for proceedings consistent with Arkansas law and constitutional due process requirements; and
6. Grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I, Jason Matthew Lynch, certify that a true and correct copy of the foregoing Appellant's Brief was served upon all counsel of record and all parties entitled to service on this 8th day of June 2026.

Service was accomplished by:

1. U.S. Mail
2. Electronic Filing System
3. Hand Delivery
4. Email to White County Clerk Jake Rains

CERTIFICATE OF COMPLIANCE

I, Jason Matthew Lynch, certify that the foregoing brief complies with
Administrative Order No. 19 and Arkansas Supreme Court Rule 4-2.

I further certify that:

1. All confidential information has been omitted or properly redacted.
2. The brief complies with applicable formatting requirements.
3. The brief complies with all applicable word-count limitations 6,441
words total including motion for non-conforming brief
4. The Brief was prepared by me (Jason M Lynch)without any help from
other parties
5. Everything is true to best of my knowledge

MOTION TO FILE NONCONFORMING BRIEF

IN THE ARKANSAS SUPREME COURT

JASON MATTHEW LYNCH,

Appellant,

v.

Judge R Gibson White County et. Al.

Appellee.

Case No. CV-26-301

MOTION TO FILE NONCONFORMING BRIEF

COMES NOW Appellant, Jason Matthew Lynch, appearing pro se, and respectfully moves this Court for leave to file his appellate brief in its present form notwithstanding any technical nonconformities that may exist. In support thereof, Appellant states as follows:

1. Appellant has diligently attempted to comply with all applicable provisions of the Arkansas Supreme Court Rules governing appellate briefs, including the requirements regarding formatting, abstracting, addendum preparation, citations, and organization.

2. Appellant is not an attorney and is proceeding without the assistance of counsel. Although Appellant has made every reasonable effort to ensure full compliance with the Rules of the Arkansas Supreme Court and Court of Appeals, he recognizes that an inadvertent technical deficiency may remain despite those efforts.

3. Appellant recently transitioned from federal custody and has prepared this brief under significant limitations, including restricted access to legal resources, records, and legal assistance. Nevertheless, Appellant has acted in good faith and has devoted substantial effort toward submitting a brief that adequately presents the issues for review and allows this Court to reach the merits of the appeal.

4. The Arkansas appellate courts have long recognized that cases should, whenever possible, be decided on their merits rather than on technical procedural defects. See, e.g., Ark. R. Civ. P. 61 (harmless error); Ark. R. App. P.–Civ. 1 (rules should be construed to secure the just determination of every proceeding).

5. Any deficiency that may exist in Appellant's brief is not intended to disregard the Court's rules, does not prejudice any party, and does not impair the Court's ability to understand the issues presented for review.

6. Rejection of the brief or dismissal of the appeal based upon a technical nonconformity would result in substantial prejudice to Appellant and could effectively deny review of important constitutional and procedural issues raised in this appeal.

7. In the interest of justice and judicial economy, Appellant respectfully requests that the Court accept the tendered brief as filed. Alternatively, should the Court identify any specific deficiency, Appellant requests leave to cure such deficiency within a reasonable period rather than having the appeal dismissed or rejected.

8. Appellant submits this motion in good faith and for no purpose of delay. The relief requested will promote resolution of the appeal on its merits and preserve the strong preference for adjudicating cases based upon substantive rights rather than technical defects.

WHEREFORE, Appellant respectfully requests that this Court grant leave to file the attached brief as a nonconforming brief, deem the brief accepted for filing, and grant all other relief to which Appellant may be entitled.

