

IN THE SUPREME COURT OF ARKANSAS

No. CV-26-301

JASON MATTHEW LYNCH,

Appellant,

v.

**WHITE COUNTY, ARKANSAS; WHITE COUNTY JAIL; SHERIFF OF WHITE COUNTY;
JOHN DOES 1–25; JANE DOES 1–10; PRIVATE MEDICAL CONTRACTORS, WHITE
COUNTY JAIL; ARKANSAS DEPARTMENT OF HEALTH; AND UNKNOWN INSURERS,**
Appellees.

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JURISDICTIONAL STATEMENT

This appeal arises from White County Circuit Court Case No. 73CV-26-287 and concerns the circuit court’s April 7, 2026 transport order, its May 14, 2026 trial setting, and its June 5, 2026 order dismissing the action for failure to appear. The dismissal is a final, appealable order under Ark. R. App. P.–Civ. 2(a)(1). The challenged orders also present questions concerning due process, venue, access to the courts, and a trial court’s authority to compel the transport of a federal inmate in a civil action.

Appellant timely filed notices of appeal and related appellate filings challenging those rulings. Jurisdiction therefore lies under Ark. Const. art. 7, Ark. Const. amend. 80, Ark. R. App. P.–Civ. 3, and Ark. Sup. Ct. R. 1-2.

This Court’s review is also appropriate because the case presents recurring and important issues affecting the orderly administration of justice, the treatment of incarcerated civil litigants, and the proper use of civil process to force appearance from federal custody.

PRESERVATION OF ISSUES

Appellant preserved the issues presented on appeal through written motions, objections, notices, emergency motions, venue motions, requests for recusal, requests to preserve evidence, requests

for stays, and requests for alternative appearance by video or telephone. The circuit court either denied relief or failed to rule on the requests.

Appellant did not sit idle.

He litigated.

He objected.

He demanded rulings.

He sought accommodations that were reasonable, available, and necessary.

The issues were therefore preserved for appellate review.

STATEMENT OF THE CASE AND FACTS

Appellant Jason Matthew Lynch filed a pro se civil petition for declaratory judgment and injunctive relief on April 1, 2026, in White County Circuit Court, Case No. 73CV-26-287. The action arose from events occurring during his confinement at the White County Detention Center and included claims involving conditions of confinement, medical treatment, retaliation, constitutional violations, and related governmental misconduct.

The record reflects that the case did not proceed in an ordinary fashion. It proceeded under extraordinary custody circumstances, with judicial recusals, multiple special-judge assignments, unresolved motions, and repeated requests by Appellant for basic procedural fairness.

A. Judicial recusals and special assignments

On February 24, 2026, the White County circuit judges recused from the matter. On March 3, 2026, the Arkansas Supreme Court assigned retired Circuit Judge Bentley E. Story. On March 12, 2026, that assignment was terminated. On March 20, 2026, the Arkansas Supreme Court assigned retired Circuit Judge Robert Bynum Gibson, Jr. to preside.

The significance of that sequence is not merely administrative. It is context. Appellant's case involved local governmental defendants, local officials, and local institutions. He repeatedly

raised concerns about fairness and venue, and the recusal history only reinforced the need to resolve threshold issues carefully before forcing the matter toward trial.

B. Appellant's initial filings

At or near the outset of the case, Appellant filed multiple pleadings and motions, including:

- Motion for judicial recusal;
- Motion for change of venue and renewed motion for change of venue;
- Motion to preserve evidence;
- Omnibus filing notice and supporting pleadings;
- Emergency motion for stay;
- Emergency motion for continuance;
- Motion to recall or set aside writ;
- Motions requesting appearance by video conference or telephone;
- Requests for protective relief and alternative means of appearance.

These were not perfunctory filings. They were urgent pleas for the Court to pause, address threshold issues, and allow the civil process to run in a manner consistent with due process and basic fairness.

C. Appellant's custodial status

At all relevant times, Appellant was in federal custody at the Federal Correctional Institution in El Reno, Oklahoma. He was not a free person able to appear at will in state court. He was under

the control of the Federal Bureau of Prisons, which governed his movement, programming, legal access, classification, and release planning.

Appellant repeatedly informed the circuit court that he could not simply decide to appear. He explained that any physical transport would depend on federal approval and that he sought less restrictive alternatives, including video or telephone participation.

D. The transport order and trial setting

On April 7, 2026, the circuit court entered an Order Setting Trial Date and a Pick-Up Order directing Appellant's production from federal custody for a May 14, 2026 trial setting. Appellant objected immediately and repeatedly.

His objections were straightforward and compelling:

10. He was a civil plaintiff, not a criminal defendant;
11. He was in federal custody, not state custody;
12. He could not self-execute transport from the Bureau of Prisons;
13. The court had available alternatives, including video or telephone appearance;
14. The requested transfer risked disruption to federal programming, release planning, and legal preparation;
15. The transfer presented substantial safety concerns because White County defendants were involved in the underlying dispute.

E. Pending emergency motions and requests for ruling

Between April 9 and April 12, 2026, Appellant filed emergency motions and objections seeking:

- Recall or quashal of the writ;

- A stay of proceedings;
- A continuance;
- A ruling on venue;
- Discovery;
- Video or telephone appearance;
- Protection from transfer to White County custody.

He also advised the Court that he was nearing release planning and that physical transport would interfere with custody programming and legal preparation.

According to the record, the circuit court did not timely or adequately resolve these motions before proceeding toward trial. Appellant states that he contacted the clerk and was told the judge had seen the motions but was still ruling on them. The consequence was not benign delay. It was a failure to decide issues that had to be decided before the case could fairly be forced forward.

F. Lack of service, answers, and discovery

Appellant alleges that service remained incomplete, that defendants had not answered, and that discovery had not occurred before the case was set for trial. He also states that no meaningful evidentiary record had been developed and that the case was advanced before ordinary civil procedures had run their course.

That matters. It matters profoundly. A litigant cannot be expected to defend a trial setting when the litigation has not matured to a posture where trial is fair, efficient, or lawful.

G. Safety concerns

Appellant repeatedly expressed substantial safety concerns about return to White County custody. He alleged that White County officials and related personnel were defendants in the litigation and that transport back into White County custody would expose him to retaliation, intimidation, and risk of harm.

These were not abstract fears. They were tied to the very subject of the lawsuit. Appellant asked the Court to protect him by using alternative means of appearance rather than forcing him back into the environment he was suing about.

H. Dismissal for failure to appear

On June 5, 2026, the circuit court entered an order dismissing the action for failure to appear at the May 14, 2026 hearing. The dismissal was based on nonappearance alone.

That is the heart of the injustice here. Appellant says he could not appear because he was in federal custody and lacked authority to release himself, secure transport, or compel federal officials to produce him for state civil proceedings. He also says he repeatedly sought alternatives and repeatedly notified the court of the problem.

A dismissal on those facts is not a neutral docket-management measure. It is a sanction imposed on an incarcerated plaintiff for the fact of incarceration and for a failure he had no practical power to avoid.

I. Appellant's appeal and supplemental filings

Appellant timely appealed and filed supplemental notices and extraordinary-relief requests. He also filed a supplemental statement regarding mootness, explaining that the Bureau of Prisons had declined to authorize the transfer, thereby rendering the transport dispute incapable of execution while leaving intact the broader procedural and constitutional issues.

The record, taken as a whole, shows an incarcerated plaintiff who actively prosecuted his case, repeatedly sought rulings, repeatedly requested accommodation, and was nonetheless dismissed when he could not physically appear in a state court proceeding while in federal custody.

POINTS ON APPEAL

- 16. The circuit court violated due process by setting the case for trial before resolving pending service, venue, discovery, and threshold motion issues.**
- 17. The circuit court erred by failing to rule on Appellant's motion for change of venue before proceeding toward trial.**
- 18. The circuit court erred by failing to rule on Appellant's pending emergency motions for stay, continuance, recall of writ, and alternative appearance.**
- 19. The circuit court abused its discretion by issuing a civil transport writ against a federal inmate when less restrictive alternatives, including video and telephone appearance, were available.**
- 20. The circuit court failed to meaningfully address Appellant's documented safety concerns before ordering him into White County custody.**
- 21. The circuit court abused its discretion by dismissing the case for failure to appear when Appellant was in federal custody and unable to secure his own appearance.**
- 22. The dismissal violated Appellant's constitutional right of access to the courts and his right to due process of law.**
- 23. The dismissal was premature, excessive, and imposed without meaningful consideration of lesser alternatives.**

24. The transport order may now be moot, but the appeal should proceed because the underlying errors remain live and fall within recognized mootness exceptions.

ARGUMENT

Standard of Review

Questions involving due process, jurisdiction, constitutional rights, and the scope of a trial court's authority are reviewed de novo. Procedural rulings and dismissals are generally reviewed for abuse of discretion. A court abuses its discretion when it acts thoughtlessly, without due consideration, or on a mistaken view of the law.

Due process requires notice and a meaningful opportunity to be heard. A litigant must be given a real chance to present his claims, not merely the illusion of one.

I. The circuit court violated due process by setting trial before resolving service, venue, discovery, and threshold motion issues.

This case did not proceed in a way that can fairly be called orderly. It was advanced toward trial while fundamental procedural issues remained unresolved.

Appellant alleges that:

- defendants had not been properly served;
- defendants had not answered;
- discovery had not occurred;
- venue remained contested;
- emergency motions were pending;

- the court had not resolved recusal-related concerns;
- the case was nevertheless set for trial.

That sequence is fundamentally unfair. Civil procedure exists to prevent exactly this sort of rush to judgment. A case cannot be forced into a trial posture before the basic prerequisites of civil litigation have been satisfied.

The due process problem is especially acute because Appellant was incarcerated in federal custody. He had limited access to materials, limited ability to coordinate, and limited ability to prepare. The court's decision to press ahead before resolving threshold matters magnified the unfairness.

Arkansas law does not tolerate trial by ambush dressed up as docket management. A court cannot tell an incarcerated civil plaintiff that his case is ready for trial while refusing to rule on the motions that determine whether trial should occur at all.

The order should be reversed for that reason alone.

II. The circuit court erred by failing to rule on Appellant's motion for change of venue before proceeding toward trial.

Venue is not a side issue. Venue is foundational. It determines where the case will be heard and whether the forum is fair.

Appellant filed a motion for change of venue and a renewed motion for change of venue. He alleged concerns about impartiality, local institutional involvement, and the inability to obtain a fair hearing in White County. Those concerns were not frivolous in light of the identities of the defendants and the history of recusals.

Yet the court moved the case toward trial without resolving venue first. That is backwards.

A court should not ask a litigant to prepare for trial in a forum whose propriety has not yet been decided.

The harm from failing to rule on venue is obvious. The litigant is forced to spend time, energy, and resources litigating in a forum that may later prove improper. More importantly, the litigant is deprived of a ruling on a question that affects fairness at the most basic level.

The appropriate remedy is reversal of the trial-setting and remand with instructions to decide venue before any further substantive proceedings.

III. The circuit court erred by failing to rule on Appellant's pending emergency motions before proceeding.

Appellant filed emergency motions requesting a stay, recall of writ, continuance, and alternative appearance. These were not ordinary routine motions. They sought immediate relief because Appellant alleged irreparable harm if the court continued without first addressing the custodial and safety issues.

A court that receives a bona fide emergency motion cannot simply sit on it while the challenged event occurs. That is not a ruling. That is a refusal to provide relief.

Appellant's emergency motions raised urgent issues:

- physical transport from federal custody;
- interference with federal programming and release planning;
- loss of legal access and preparation time;
- safety concerns upon return to White County custody;
- alternative means of participation.

If the court delayed ruling while moving the case toward trial, the delay itself operated as a denial of relief. That is an abuse of discretion.

IV. The circuit court abused its discretion by issuing a civil transport writ when less restrictive alternatives were available.

The transport order is one of the most troubling features of this record. Appellant was a federal inmate housed at FCI El Reno. He was not in state custody. He was not in a position to command his own release. Yet the circuit court issued a writ directing his transport for a state civil proceeding.

That was an extraordinary step. It should have been taken, if at all, only after careful consideration of whether lesser measures would suffice.

Appellant repeatedly proposed alternatives:

- video appearance;
- telephone appearance;
- participation after release;
- continuance;
- written participation;
- stay pending custody issues.

Those are obvious alternatives. They were practical, less burdensome, and less risky than physical transport.

The circuit court's refusal to adopt or seriously consider them is what makes the transport order an abuse of discretion. A court does not exercise sound discretion by choosing the most intrusive option first and asking questions later.

The later refusal of the Bureau of Prisons to authorize transport only underscores the impracticality and irregularity of the order.

V. The circuit court failed to meaningfully address Appellant's safety concerns.

Appellant consistently warned that White County custody posed safety concerns because White County officials and related personnel were involved in the underlying dispute. He alleged risk of retaliation, intimidation, and harm.

The issue is not whether those allegations were ultimately proven at this stage. The issue is whether the court gave them meaningful consideration before ordering transport and proceeding toward trial.

It did not.

When a litigant articulates a plausible safety concern tied to the very defendants in the case, the court must address it. A refusal to engage with the concern is not neutral. It is disregard.

The court had available means to reduce or eliminate the safety issue. It could have permitted remote appearance or stayed the matter until federal custody issues were resolved. It did neither, at least on the record presented.

That failure warrants reversal.

VI. The dismissal for failure to appear was an abuse of discretion because Appellant was in federal custody and unable to secure his own attendance.

This is the core error. The court dismissed the case because Appellant did not appear. But Appellant says he could not appear. He was in federal custody. He lacked authority to release himself, arrange his own transport, or force the Bureau of Prisons to comply with a state writ. A litigant should not be penalized for failing to perform the impossible.

The record, as presented, shows:

- Appellant repeatedly notified the court of his custodial status;
- he repeatedly sought alternative appearance methods;
- the Bureau of Prisons ultimately declined the transfer;
- the court nevertheless dismissed the action for nonappearance.

That sequence is untenable. Dismissal under those circumstances is not a fair sanction. It is a procedural forfeiture based on circumstances beyond Appellant's control.

There is no indication, based on the materials provided, that the circuit court found willfulness, bad faith, or deliberate disobedience. There is no indication that lesser alternatives were considered. There is no indication that the court treated Appellant's nonappearance as anything other than a reason to end the case.

That is reversible error.

VII. The dismissal violated Appellant's constitutional right of access to the courts and due process of law.

Prisoners retain a constitutional right of access to the courts. That right is not satisfied by allowing a prisoner to file papers and then dismissing the case when he cannot physically attend because he is incarcerated.

Appellant's claim is straightforward: he was actively prosecuting the case, but the court refused to accommodate the reality of federal custody and then dismissed the action because he could not appear in person.

That is not meaningful access. That is a closed door.

The right of access to the courts and the right to due process require more than formalism. They require a real opportunity to present the case. Appellant says he repeatedly sought that opportunity through remote appearance, continuance, and other less restrictive alternatives. The court's response, as reflected in this record, was inadequate.

The resulting dismissal therefore implicates both the Arkansas and federal constitutions.

VIII. The dismissal was premature, excessive, and entered without meaningful consideration of lesser alternatives.

Even if the court believed some sanction was warranted, dismissal was the harshest possible response. It should have been a last resort.

The record reflects several lesser alternatives:

- continuance;
- video appearance;
- telephone appearance;
- written submissions;
- stay of proceedings;
- ruling on pending motions before any sanction.

The court apparently did not use them. That matters. A dismissal entered without serious consideration of lesser alternatives is the kind of discretionary ruling appellate courts reverse.

Appellant also faces substantial prejudice from dismissal:

- his claims are terminated without a merits hearing;
- the case may be delayed or complicated by limitations issues;
- his constitutional claims are left unresolved;
- the dismissal rewards procedural rigidity over fairness.

Arkansas courts should favor adjudication on the merits, not forfeiture by circumstance.

IX. The transport issue may now be moot, but the appeal should proceed.

The record states that the Bureau of Prisons refused to authorize the transfer, making the specific transport issue incapable of execution. To that extent, the transport order controversy may be moot.

But dismissal on mootness grounds would be wrong.

The issues here are capable of repetition yet evading review. State courts will continue to face situations involving incarcerated civil litigants, remote appearance, and transport demands that expire before appellate review can be completed. These are recurring questions of significant public importance.

Further, the transport issue is intertwined with the trial setting, unresolved motions, and dismissal order. Even if the transport order itself cannot now be carried out, the legal errors that produced it remain live and deserve review.

REQUEST FOR RELIEF

Appellant respectfully requests that this Court:

25. Reverse the June 5, 2026 order dismissing the case for failure to appear;
26. Vacate the April 7, 2026 transport/pick-up order;
27. Vacate or remand the May 14, 2026 trial setting to the extent it was entered before threshold issues were resolved;
28. Direct the circuit court to rule on the pending venue motion and emergency motions;
29. Reinstate Case No. 73CV-26-287;
30. Remand for further proceedings consistent with due process and the Arkansas Rules of Civil Procedure;
31. Permit Appellant reasonable alternative means of participation if personal appearance remains impracticable; and
32. Grant all other relief to which Appellant is entitled.

CERTIFICATE OF SERVICE

I certify that on July 16, 2026, a true and correct copy of this brief was served on all counsel of record and all parties entitled to service, in the manner permitted by the applicable rules.

Respectfully submitted,

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the Arkansas Supreme Court's requirements concerning confidential information, contains no external hyperlinks, and is intended to comply with the applicable briefing rules, including Ark. Sup. Ct. R. 4-2.

I further certify that the brief is prepared in a format suitable for filing as a full appellate brief with appropriate pagination and addendum materials.

Respectfully submitted,

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se