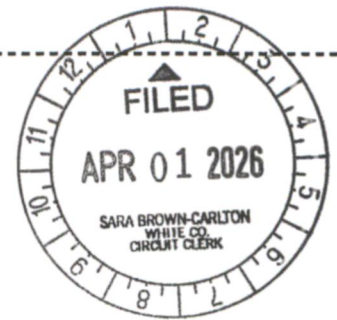




IN THE CIRCUIT COURT OF WHITE COUNTY, ARKANSAS

JASON MATTHEW LYNCH,
Plaintiff,

v.

WHITE COUNTY, ARKANSAS;
WHITE COUNTY JAIL;
TURN KEY HEALTH CLINICS, LLC;
SHERIFF OF WHITE COUNTY;
ADMINISTRATORS; MEDICAL STAFF;
UNKNOWN DOE DEFENDANTS 1 50,
Defendants.

Case No.: _____

MOTION FOR ORDER COMPELLING PRESERVATION OF ALL EVIDENCE

(Filed Prior to Any Venue Change)

COMES NOW Plaintiff, Jason Matthew Lynch, appearing pro se, and respectfully moves this Honorable Court for an immediate Order compelling Defendants to preserve all evidence related to Mr. Lynch and Ms. Lynch, and in support thereof states as follows:

I. INTRODUCTION AND NATURE OF RELIEF REQUESTED

1. This is a pre-trial emergency motion seeking an Order to preserve evidence that is solely in the possession, custody, and control of Defendants.

2. This Motion is made prior to any venue change to ensure that evidence critical to the truth-seeking function of the Court is not destroyed, altered, concealed, or lost.

The requested Order is narrow, necessary, and just, and seeks only to preserve not produce evidence at this stage.

4. Plaintiff has a good-faith and well-founded belief that Defendants face damning documentary, electronic, medical, video, and policy evidence, and that Defendants would rather risk sanctions for spoliation than allow such evidence to be reviewed by the Court or a jury.

II. FACTUAL BASIS DEMONSTRATING IMMINENT RISK OF SPOLIATION

5. Plaintiff Jason Matthew Lynch (Reg. No. 07405-510) was detained at the White County Jail in Searcy, Arkansas, where he suffered systemic constitutional, statutory, and tort violations, including but not limited to:

Prolonged denial and interruption of prescribed HIV antiretroviral therapy (Biktarvy);

Deliberate indifference to serious medical needs;

Retaliation for grievances and legal activity;

Interference with legal mail and access to courts;

Religious discrimination;

Institutional policies, customs, and failure to train.

6. All material evidence proving or disproving these claims including jail logs, medical records, medication administration records, surveillance video, emails, grievances, policies, contracts, and internal communications is exclusively controlled by Defendants.

7. Plaintiff and others have submitted at least four (4) separate Arkansas Freedom of Information Act (FOIA) requests, Ark. Code Ann. § 25-19-101 et seq., seeking records directly related to these events.

8. Defendants failed to respond to those FOIA requests as required by law, further demonstrating:

A lack of transparency;

A pattern of concealment; and

A heightened risk that evidence will be destroyed or altered.

9. Plaintiff has been explicitly and implicitly threatened that records would be deleted, lost, or "no longer available," and that jail and medical systems automatically overwrite or purge data.

10. Many categories of evidence at issue such as surveillance video, electronic medical records metadata, medication logs, phone recordings, and email systems are subject to routine deletion unless an affirmative preservation order is entered.

11. Once destroyed, such evidence cannot be reconstructed, and its loss would cause irreparable prejudice to Plaintiff.

III. LEGAL DUTY TO PRESERVE EVIDENCE

A. Arkansas Law Recognizes and Punishes Spoliation

12. Arkansas courts recognize spoliation of evidence as:

> "The intentional destruction of evidence, and when it is established, the fact-finder may draw an inference that the evidence destroyed was unfavorable to the party responsible."

Goff v. Harold Ives Trucking Co., 342 Ark. 143, 148, 27 S.W.3d 387 (2000).

13. Arkansas courts possess inherent authority to issue preservation orders to protect the integrity of judicial proceedings.

14. Arkansas Rule of Civil Procedure 37 authorizes sanctions for failure to preserve evidence, including adverse inferences, exclusion of defenses, and default judgment.

Arkansas Rule of Civil Procedure 26(b) permits discovery of electronically stored information and necessarily implies a duty to preserve once litigation is reasonably anticipated.

B. Federal Law Confirms the Duty to Preserve Upon Notice of Litigation

16. Federal law relevant here due to related and parallel federal civil rights actions holds that the duty to preserve evidence arises when litigation is pending or reasonably foreseeable.

Silvestri v. Gen. Motors Corp., 271 F.3d 583, 591 (4th Cir. 2001).

17. Government entities and contractors acting under color of state law have a heightened duty to preserve records involving constitutional violations.

Zubulake v. UBS Warburg LLC, 220 F.R.D. 212 (S.D.N.Y. 2003).

18. Courts routinely enter preservation orders where evidence is:

Controlled solely by defendants;

Subject to routine deletion; and

Central to civil rights claims.

Stevenson v. Union Pac. R.R., 354 F.3d 739 (8th Cir. 2004).

FAILURE TO COMPLY WITH ARKANSAS FOIA SUPPORTS PRESERVATION ORDER

19. Arkansas FOIA declares that public records shall be open to inspection and that custodians must respond promptly. Ark. Code Ann. § 25-19-105.

20. Defendants' repeated failure to respond to FOIA requests supports a reasonable inference of concealment or bad faith, and independently justifies court-ordered preservation.

21. FOIA noncompliance, when combined with control over evidence and active litigation, creates an extraordinary risk of spoliation warranting immediate judicial intervention.

V. CATEGORIES OF EVIDENCE THAT MUST BE PRESERVED

Plaintiff respectfully requests the Court order Defendants to preserve all evidence, including but not limited to:

1. All medical records, charts, MARs, EMARs, prescriptions, refusals, and pharmacy communications concerning Mr. Lynch;
2. All contracts, policies, protocols, and training materials involving Turn Key Health and White County;
3. All jail logs, housing records, movement records, and incident reports;
4. All grievances, appeals, responses, and complaint tracking systems;
5. All emails, texts, internal messages, and electronic communications referencing Mr. Lynch or Ms. Lynch;
6. All surveillance video, body camera footage, booking footage, and transport video;
7. All phone calls, voicemail recordings, and visitation recordings;
8. All metadata, audit trails, and system logs;
9. Any evidence relating to threats, retaliation, or destruction of records;
10. Any evidence relating to FOIA requests and responses.

VI. EQUITY AND JUSTICE REQUIRE THE ORDER

22. Without this Order, Defendants may destroy evidence with impunity, leaving Plaintiff without proof and the Court without

23. Preservation imposes minimal burden on Defendants but prevents irreparable harm to Plaintiff.

24. The balance of equities, the public interest, and the integrity of the judicial process all weigh heavily in favor of granting this Motion.

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Enter an immediate Order directing Defendants to preserve all paper, electronic, and physical evidence related to Jason Matthew Lynch and Ms. Lynch;

B. Prohibit Defendants from deleting, altering, overwriting, or discarding any such evidence;

C. Require Defendants to suspend all routine destruction or retention-limit policies;

D. Order Defendants to disseminate a litigation hold notice to all employees, contractors, and agents;

E. Retain jurisdiction to impose sanctions for any violation of the Order; and

F. Grant all other relief the Court deems just and proper.

Respectfully submitted,

Jason Matthew Lynch
Reg. No. 07405-510
Plaintiff, Pro Se
Currently incarcerated at:
FCI El Reno, Oklahoma



V: Lynch,

SUBJECT: RE: White County Judicial Recusal & Venue Change Pt 1
DATE: 01/02/2026 07:51:04 PM

JASON MATTHEW LYNCH,
Plaintiff / Pro Se Movant
Reg. No. 07405-510

v.

WHITE COUNTY JAIL; WHITE COUNTY COMMISSION;
CLAYTON EDWARDS; THE WHITE COUNTY SHERIFF;
JOHN AND JANE DOES, et al.,
Defendants

No. _____
PRO SE MOTION FOR JUDICIAL RECUSAL

AND FOR CONSIDERATION AND RULING BY A NEW OR ASSOCIATE JUDGE ON PLAINTIFF'S MOTION FOR CHANGE OF VENUE

(28 U.S.C. §§ 144, 455(a), 455(b), 455(b)(1);
Arkansas Constitution; Arkansas Rules of Civil Procedure;
Arkansas Code of Judicial Conduct)

I. INTRODUCTION AND NATURE OF MOTION

COMES NOW Jason Matthew Lynch, appearing pro se, and respectfully moves this Honorable Court for mandatory judicial recusal of the presiding White County Circuit Court Judge from all matters involving Mr. Lynch, followed by assignment to a new or associate judge for the purpose of considering and ruling upon Plaintiff's pending Motion for Change of Venue.

This Motion is brought pursuant to 28 U.S.C. § 144, 28 U.S.C. § 455(a), (b), and (b)(1), the Arkansas Constitution, the Arkansas Rules of Civil Procedure, and the Arkansas Code of Judicial Conduct, and is supported by specific, material, non-conclusory facts demonstrating actual bias, probability of bias, and at minimum an appearance of partiality that would cause a reasonable person to question the Court's impartiality.

This motion concerns state-law tort claims and state-law violations arising from actions by White County Jail, White County officials, and associated actors, and is necessary to protect the fundamental constitutional right to a fair and unbiased tribunal, due process, and the integrity of judicial proceedings.

GOVERNING LEGAL STANDARDS

A. Federal Recusal Statutes (Applicable by Persuasive Authority)

Under 28 U.S.C. § 144, a judge must recuse where a party submits a timely and sufficient affidavit showing that the judge harbors a personal bias or prejudice. The judge's role is limited strictly to determining legal sufficiency, not credibility.

Martinez-Catala, 129 F.3d 213, 218 (1st Cir. 1997)

United States v. Vespe, 868 F.2d 1328, 1340 (3d Cir. 1989)

Davis v. Bd. of Sch. Comm'rs of Mobile Cnty., 517 F.2d 1004, 1051 (5th Cir. 1975)

Under 28 U.S.C. § 455(a), recusal is required where a judge's impartiality might reasonably be questioned.

Under § 455(b)(1), recusal is mandatory where the judge has personal bias, personal knowledge of disputed facts, or extrajudicial involvement.

As the Second Circuit held:

> "Alleged facts are sufficient if they create reasonable doubt concerning the judge's impartiality in the mind of a reasonable person."

United States v. Bernstein, 533 F.2d 775, 784 (2d Cir. 1976)

B. Due Process and Constitutional Principles

The Due Process Clause is violated when a judge cannot reasonably be expected to free himself from personal knowledge, institutional entanglement, or conflicting interests.

In re Murchison, 349 U.S. 133, 136 39 (1955)

Tumey v. Ohio, 273 U.S. 510, 522 (1927)

ACTUAL BASIS DEMONSTRATING ACTUAL AND APPARENT BIAS

The following facts are specific, material, repeated, documented, and non-speculative, and must be accepted as true for purposes of this motion.

1. FEDERAL COURT FINDINGS OF MERIT FOR RETALIATION AND REPRISAL

A United States District Court in the Eighth Circuit has recently found merit sufficient to allow claims to proceed under 42 U.S.C. §§ 1983 and 1985, specifically retaliation and reprisal, arising directly from actions taken against Jason Matthew Lynch and his wife, Kirsten Lynch, for the purpose of chilling, suppressing, and punishing protected court filings and civil litigation.

These federal findings do not exist in isolation. They arise out of the same nucleus of facts, the same actors, the same institutional setting, and the same retaliatory pattern now before this Court under state law.

Once a superior federal court has found legally sufficient evidence of retaliation connected to court-related activity, continued adjudication by a court institutionally intertwined with those same actors creates an unconstitutional risk of bias.

2. REPEATED OCCURRENCES NOT AN ISOLATED INCIDENT

The conduct at issue reflects a pattern, not an anomaly:

Timely filed motions ignored or not ruled upon

Procedural deviations favoring Defendants

Docket manipulation inconsistent with neutral administration

 Lynch being called out of docket order, contrary to standard practice, while other inmates from his housing pod were delayed for hours

Officers expressly stating they were "just doing what they were told"

A pattern of irregularities is legally significant and supports recusal. Bias need not be proven beyond doubt only that a reasonable person would conclude neutrality is compromised.

3. OUTSIDE INFLUENCE AND FAILURE TO ADDRESS DISCLOSED CONFLICTS

Mr. and Ms. Lynch received explicit text communications from their former landlord, stating that he was a personal friend of the Judge and would "see to it the book was thrown at them" regarding a disputed rent balance that arose solely because of Mr. Lynch's arrest and detention.

This communication constitutes:

Evidence of extrajudicial influence

Evidence of personal relationships intersecting with judicial action

A disclosed conflict that was never addressed or cured

Failure to act upon such disclosure itself supports recusal.

IGNORED TIMELY MOTIONS AND PROCEDURAL DEVIATIONS

The Court's failure to address properly filed motions particularly those implicating constitutional rights, retaliation, and conflicts of interest constitutes further evidence of partiality and violates:

Ark. R. Civ. P. 1 (fairness, efficiency, justice)