

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 06 2026

TAMMY H. DOWNS, CLERK
By:  DEP CLERK

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

JASON MATTHEW LYNCH, Reg. No. 07405-510,
v.
DOES, et al.,

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

PLAINTIFF'S MOTION TO OBJECT TO DEFENDANTS' MOTION TO SET ASIDE SERVICE OF PROCESS AND BRIEF IN SUPPORT (WITH ALTERNATIVE REQUEST TO RE-EFFECT SERVICE BY U.S. MARSHALS IN PERSON)

Plaintiff Jason Matthew Lynch ("Mr. Lynch"), proceeding pro se and relying on the Court's service procedures, respectfully moves to object to Defendants' motion seeking to set aside service of process. Defendants' request is erroneous, inequitable, and most importantly would improperly punish Mr. Lynch for matters outside his control where service is handled by the Court and the United States Marshals Service ("USMS").

In the alternative only, and without conceding any defect, Mr. Lynch requests that the Court order re-service by the USMS by in-person service and/or extend any deadlines necessary to cure any technical issue, so that this case proceeds on the merits rather than through procedural gamesmanship.

I. INTRODUCTION

Defendants' motion is the type of tactic that wastes judicial resources and delays resolution of serious constitutional claims. Mr. Lynch has done what a pro se, incarcerated litigant can do: he provided the information required for service and relied on the Court and the USMS to complete service as ordered. The Eighth Circuit has made clear that an IFP litigant is entitled to rely on court staff and the USMS to issue summons and effect service, and a case should not be derailed when any delay or defect is attributable to court/USMS obligations rather than the plaintiff. *Wright v. First Student, Inc.*, No. 12-3210, 2013 WL ____ (8th Cir. Mar. 25, 2013) (published) (vacating dismissal where the record did not show service delay was plaintiff's fault and recognizing USMS/court obligations under 28 U.S.C. § 1915(d) and Rule 4(c)(3)).

Defendants' position also reinforces the very culture of "untouchable" behavior Mr. Lynch has alleged conduct he attributes to Defendant Clayton Edwards, who, while Mr. Lynch was in medical lockdown, stated words to the effect of "I am untouchable I want you to sue me." Defendants' attempt to set aside service, despite documented receipt, only strengthens the inference that Defendants seek to evade accountability rather than litigate on the merits.

II. RELEVANT FACTS (AS SHOWN BY THE RECORD)

1. Service was effected through Court/USMS procedures. In this posture, the method and mechanics of service are not controlled by Mr. Lynch; they are carried out by court officers/USMS pursuant to federal law and the Court's orders. See 28 U.S.C. § 1915(d) (officers of the court "shall issue and serve all process").
2. USMS effected service on January 30, 2026, by USPS Certified / Restricted Delivery / Priority Mail, as reflected in the docket (identified by Defendants as the subject of their motion). Tracking number: 9403 2149 0347 6671 0001 85 (as reflected in Docket Entry 93, according to Mr. Lynch's records and filings).
3. The USPS Form 3811 (green return receipt card) was signed on January 30, 2026 by Deputy Sheriff Yaerger, Badge No.

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

1114.

4. The signatory was the administrative/front desk clerk for the Sheriff's office/jail administration (the point of intake for official documents). A deputy sheriff acting in that role would be expected to accept legal mail in good faith and route it appropriately.

5. Defendants' very filing seeking to set aside service strongly indicates actual notice of the lawsuit and summons because one cannot meaningfully challenge service without being aware of the action and the attempted service.

III. GOVERNING LAW

A. Court officers/USMS handle service for IFP litigants; the plaintiff should not be punished for defects outside his control

When a plaintiff proceeds in forma pauperis, federal law places service duties on court officers, and Rule 4 requires the Court to order service by the USMS. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3).

The Eighth Circuit has held that where an IFP plaintiff has provided the necessary identifying information, dismissal (or harm to the case) for service problems is improper when the fault may lie with court staff or the USMS. *Wright v. First Student, Inc.* (8th Cir. 2013) (published).

The same principle appears in Eighth Circuit authority recognizing that completing service/waiver steps is part of "all process" and "all duties" required of court officers and is the USMS's responsibility where the plaintiff is IFP and has provided addresses. *Moore v. Jackson*, 123 F.3d 1082, 1085 86 (8th Cir. 1997) (per curiam) (as discussed in *Wright*).

B. Technical defects should be cured especially where there is proof of receipt and no prejudice

Even when a defendant raises "insufficient service" (Rule 12(b)(5)), the typical, equitable remedy particularly for pro se and incarcerated litigants is to permit cure or order re-service, not to reward evasive tactics or create an unjust forfeiture. See Fed. R. Civ. P. 4(m) (extensions required for good cause; discretionary extensions permitted).

C. Arkansas practice recognizes certified mail restricted delivery as a valid method in appropriate contexts; and E.D. Ark. practice expects receipts ("green card") to be filed when service is made by mail

The USMS itself recognizes Arkansas's rules allowing service by certified mail/restricted delivery.

Additionally, the Eastern District of Arkansas Local Rule on service practice contemplates proof of service by mail via receipt/green card. Local Rule 4.1 (E.D. Ark.).

IV. ARGUMENT

1. Defendants' motion is erroneous because service in this posture is handled by Court/USMS, not Mr. Lynch

Defendants' motion effectively seeks to shift alleged service irregularities onto Mr. Lynch. That is contrary to the statutory and rule framework governing IFP service: "officers of the court shall issue and serve all process," and the Court must order service by the USMS for IFP litigants. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3).

Under *Wright*, where the record does not show that any service problem is the plaintiff's fault and where court staff/USMS have obligations to issue summons and effect service penalizing the plaintiff is improper.

Here, Mr. Lynch did not control the method selected by USMS. He relied on the Court and USMS to execute service as they deemed proper.

2. The record reflects receipt by an identified deputy sheriff; service should be deemed effective or at minimum "substantially

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

compliant" with no prejudice

The summons and complaint were sent via Certified Mail, Restricted Delivery, and the return receipt was signed by a deputy sheriff who functioned as the intake/admin clerk for the relevant office. Restrictive delivery requires identification/signature procedures, supporting the reliability of receipt.

This is precisely why the local rules contemplate filing receipts/green cards as proof when service is made by mail. Defendants should not be permitted to claim "no service" while their own administrative deputy accepted and signed for the mailing.

3. Defendants' motion confirms actual notice and appears calculated to delay; the Court should not reward procedural gamesmanship

Defendants' motion practice despite documented receipt supports that Defendants had notice and are attempting to use technicalities to stall the case. This aligns with Mr. Lynch's allegations of a systemic culture at White County Jail where officials behave as though they are "above the law" or "untouchable." The Court should not allow Defendants to leverage service objections as a delay tactic where there is credible documentary evidence of receipt.

4. Even if the Court finds a technical defect, the proper remedy is to order re-service (or extend time), not to set aside service in a way that harms the case

If the Court concludes any technical defect exists, the equitable and rule-consistent remedy is straightforward: order the USMS to re-serve Defendants in person and/or extend time under Rule 4(m). Under Wright, if the delay/defect is attributable to court staff/USMS obligations, the case "should not have been dismissed" under Rule 4(m).

Mr. Lynch therefore requests that any doubt be resolved in favor of (a) finding service valid, or (b) curing service without prejudice to his claims.

V. REQUESTED RELIEF

For the reasons stated, Mr. Lynch respectfully asks that the Court:

1. DENY Defendants' Motion to Set Aside Service of Process;
2. FIND that service was properly effected (or at minimum sufficiently established by the signed restricted-delivery receipt);
3. Alternatively, without conceding any defect, ORDER the U.S. Marshals Service to re-effect service in person upon any defendant the Court finds not properly served, and EXTEND any deadline under Rule 4(m) as necessary;
4. Grant such other and further relief as the Court deems just and proper.

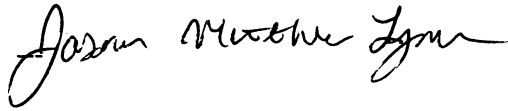
VI. CERTIFICATE OF SERVICE (Pro Se Prisoner)

I certify that on this date I placed a copy of the foregoing Motion in the institutional legal mail system, addressed to counsel of record for Defendants (or to Defendants where counsel has not appeared), with postage prepaid (or as otherwise processed by the institution).

Respectfully submitted,

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

/s/ Jason Matthew Lynch
Jason Matthew Lynch, Pro Se
Reg. No. 07405-510

A handwritten signature in black ink, reading "Jason Matthew Lynch". The signature is written in a cursive, flowing style. The first name "Jason" is written with a large, looped 'J'. The last name "Lynch" is written with a large, looped 'L' and a trailing flourish.