

BRIEF OF APPELLANT

Jason Matthew Lynch, Pro Se

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JURISDICTIONAL STATEMENT

This appeal arises from the White County Circuit Court’s orders in Case No. 73CV-26-287, including the April 7, 2026 transport order and the June 5, 2026 order dismissing Appellant’s

civil action for failure to appear at the May 14, 2026 hearing. The circuit court's dismissal order is final and appealable under Ark. R. App. P.–Civ. 2(a)(1). To the extent this Court reviews the transport order and related case-management rulings, jurisdiction also lies because the issues affect the administration of justice and concern constitutional questions properly within the Supreme Court's supervisory authority under Ark. Sup. Ct. R. 1-2 and Ark. R. App. P.–Civ. 2. Appellant timely sought review of the challenged orders. The appeal presents issues concerning due process, access to courts, venue, service, the propriety of proceeding toward trial while threshold motions remained unresolved, and the legality of dismissing an incarcerated plaintiff's case for failure to appear when the plaintiff was in federal custody and unable to attend personally.

The appeal is therefore properly before this Court. See *Helena-West Helena Sch. Dist. v. Circuit Court*, 368 Ark. 549, 247 S.W.3d 823 (2007); *State v. Circuit Court of Lincoln Cnty.*, 336 Ark. 122, 984 S.W.2d 412 (1999).

STATEMENT OF THE CASE AND FACTS

This appeal concerns a civil action filed by Jason Matthew Lynch arising from alleged constitutional violations, conditions of confinement, denial of medical care, retaliation, and related misconduct occurring while Appellant was incarcerated at the White County Detention Center. The action was assigned White County Circuit Court Case No. 73CV-26-287.

Appellant proceeded pro se. He was, at all relevant times, confined in federal custody under the authority of the Federal Bureau of Prisons. He could not personally transport himself, compel his own release for state-court attendance, or independently authorize his transfer to White County for a hearing.

The procedural history of the case matters. It is not a simple story of a missed hearing. It is a record of an incarcerated civil plaintiff repeatedly seeking rulings on threshold matters while the case was pushed toward trial.

A. Recusal and judicial reassignment

The White County judicial bench recused from the matter, and the Arkansas Supreme Court made special-jurist assignments. Those recusal and assignment events are important because they help explain the procedural irregularity and the litigant's concerns about neutrality and forum fairness.

B. Appellant's early filings

On April 1, 2026, Appellant filed his state-law complaint and related pleadings. The filings included requests for relief, motions concerning recusal, change of venue, and preservation of evidence. Appellant sought to ensure that the action would be heard in a neutral forum and that evidence controlled by defendants would not be lost or altered.

He did not sit idle. He pursued the case affirmatively and repeatedly.

C. Venue concerns

Appellant moved for a change of venue and renewed that request. He asserted that White County was not an appropriate forum given the local nature of the defendants, the governmental interests involved, and his asserted concerns about impartiality. He asked that the case be transferred to a different county to preserve the appearance and reality of fairness.

D. Preservation concerns

Appellant moved to preserve evidence. He sought preservation of surveillance footage, jail records, medical records, incident reports, logs, electronic communications, metadata, and related materials. Those categories of evidence are typically critical in detention-related litigation. The need for preservation was heightened because the defendants controlled the records and the allegations involved institutional conduct.

E. The circuit court's trial-setting order and transport order

On April 7, 2026, the circuit court entered an order setting the matter for trial and, separately, a writ directing Appellant's production from federal custody for the state proceeding. Appellant immediately objected. He argued that service had not been completed, no responsive pleadings or discovery process had meaningfully unfolded, and threshold motions remained unresolved. He also sought less restrictive alternatives such as video appearance, telephone participation, a continuance, or a stay.

F. Emergency motions

Between April 9 and April 12, 2026, Appellant filed multiple emergency motions requesting recall or quashal of the writ, a stay of proceedings, a continuance, a ruling on venue, alternative appearance methods, and protection from return to White County custody. He also raised safety concerns and explained that transport would interfere with his federal custodial status, programming, and release planning.

The critical point is this: Appellant did not refuse to appear. He explained that he could not appear physically and that the court should consider reasonable alternatives.

G. Appellant's request for remote participation

Appellant repeatedly proposed video appearance or telephone appearance. He also requested written submissions and other accommodations. Those requests were not frivolous. They were practical, less burdensome, and consistent with the modern administration of civil justice.

H. Dismissal for failure to appear

Ultimately, the circuit court dismissed the action for failure to appear at the May 14, 2026 hearing. The dismissal punished nonappearance without adequately addressing the reason for the nonappearance: federal custody and lack of control over transport. Appellant contends the dismissal was therefore erroneous as a matter of law and fundamentally unfair as a matter of due process.

I. Federal custody issue and mootness context

The record and Appellant's filings indicate that the Bureau of Prisons ultimately declined to authorize the requested transfer and that alternative appearance options were available. That development confirms that the physical-transport issue became impossible to execute. But the inability to execute the writ does not eliminate the validity of Appellant's appellate challenges to the underlying procedural rulings and dismissal.

In short, the litigation below moved forward in a manner that denied Appellant a fair opportunity to be heard, ignored or delayed threshold rulings, and culminated in a dismissal that was disproportionate to the circumstances.

PRESERVATION OF ISSUES

Appellant preserved the issues on appeal by raising them in written motions, objections, notices, emergency filings, and venue-related requests filed in the circuit court. Where the circuit court

expressly denied relief, the issues are preserved. Where the circuit court failed to rule, the issues are likewise preserved to the extent the court's inaction prevented review and the absence of a ruling was itself part of the error.

The issues preserved include, at minimum:

1. Whether the circuit court violated due process by setting trial before resolving service, discovery, and venue issues;
2. Whether the circuit court abused its discretion by issuing the transport writ while Appellant was in federal custody;
3. Whether the circuit court erred by failing to consider remote participation or other alternatives;
4. Whether the circuit court erred by failing to rule on Appellant's venue motion and emergency motions;
5. Whether dismissal for nonappearance was improper because Appellant could not attend personally; and
6. Whether the cumulative effect of the procedural defects requires reversal.

Appellant's repeated filings show active litigation. The record does not show abandonment. It shows persistence.

POINTS ON APPEAL

7. The circuit court violated due process by setting the case for trial before resolving pending service, discovery, jurisdictional, and venue issues .

8. The circuit court abused its discretion by issuing a civil writ directing Appellant's transport from federal custody despite available alternatives such as video or telephone appearance.
9. The circuit court erred by failing to rule on Appellant's motion for change of venue before proceeding toward trial.
10. The circuit court erred by failing to rule on pending emergency motions seeking immediate relief.
11. The circuit court abused its discretion by dismissing the action for failure to appear when Appellant was in federal custody and unable to appear.
12. The dismissal should be reversed because the record shows active prosecution, not abandonment, and the sanction was unnecessarily harsh.
13. The appeal is not moot, or alternatively falls within recognized mootness exceptions.
14. The cumulative effect of the circuit court's errors requires reversal and remand for proceedings consistent with due process.

STANDARD OF REVIEW

Constitutional questions, questions of law, and questions concerning jurisdiction are reviewed de novo. See *Helena-West Helena Sch. Dist. v. Circuit Court*, 368 Ark. 549, 247 S.W.3d 823 (2007); *State v. Circuit Court of Lincoln Cnty.*, 336 Ark. 122, 984 S.W.2d 412 (1999).

Procedural rulings, case-management decisions, and dismissals for nonappearance are generally reviewed for abuse of discretion. But discretion is not a blank check. A circuit court abuses its discretion when it acts improvidently, thoughtlessly, or without due consideration, particularly

where the ruling deprives a party of a meaningful opportunity to be heard. See *Conner v. Simes*, 355 Ark. 422, 139 S.W.3d 476 (2003); *Baptist Health v. Murphy*, 365 Ark. 115, 226 S.W.3d 800 (2006); Ark. R. Civ. P. 1.

Where a dismissal extinguishes substantive claims, Arkansas appellate courts scrutinize the record carefully because dismissal is a severe remedy and Arkansas law favors decisions on the merits. See Ark. R. Civ. P. 41; *Ark. Dep't of Human Servs. v. Ledgerwood*, 2017 Ark. 308, 530 S.W.3d 336.

ARGUMENT

I. The circuit court violated due process by setting the case for trial before resolving service, discovery, jurisdictional, and venue issues.

Due process means notice and a meaningful opportunity to be heard. The core constitutional principle is that a litigant should not be deprived of a meaningful chance to present his case through arbitrary procedure. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306 (1950); U.S. Const. amend. XIV; Ark. Const. art. 2, §§ 8, 13, 21.

Here, Appellant alleged that the case was set for trial while:

- service issues remained unresolved;
- responsive pleadings had not been meaningfully addressed;
- discovery had not occurred;
- venue motions were pending;
- emergency motions were pending;

- preservation requests remained unresolved;
- and Appellant remained in federal custody.

That sequence matters. A civil case does not become ready for trial simply because a date is entered on the docket. Basic procedural steps matter because they define the adversarial process. If defendants were not properly served or had not answered, if discovery had not proceeded, and if venue remained contested, then the decision to push the matter toward trial risked converting litigation into ambush.

Arkansas Rule of Civil Procedure 1 requires the rules to be construed to secure the just, speedy, and inexpensive determination of every action. Speed is not justice when it is pursued at the expense of fairness. See Ark. R. Civ. P. 1.

The circuit court's handling of the case deprived Appellant of:

- a fair chance to develop the record;
- a fair chance to respond to opposing positions;
- a fair chance to secure rulings on threshold objections;
- and a fair chance to be heard before disposition.

The Court should reverse because procedural fairness was not honored.

II. The circuit court abused its discretion by issuing a civil writ directing Appellant's transport from federal custody despite available alternatives such as video or telephone appearance.

The transport writ was unnecessary and excessive on this record. Appellant was the plaintiff in a civil case. He was not refusing to participate. He was trying to participate while confined in federal custody. He repeatedly requested remote participation and other alternatives.

The due process balancing framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976) supports Appellant's position. The private interest is significant: access to the courts and the ability to prosecute constitutional claims. The risk of erroneous deprivation is high where a litigant is dismissed because he cannot physically attend. The government's burden in using remote technology is comparatively modest.

Moreover, the availability of modern video technology is a practical fact that courts routinely recognize. A trial court should not insist on the most restrictive and disruptive form of attendance when a less burdensome method will accomplish the same legitimate objectives.

Appellant's proposed alternatives included:

- video conference appearance;
- telephone appearance;
- written submissions;
- continuance;
- stay pending resolution of custody issues;
- or appearance after federal release.

The failure to meaningfully consider these alternatives before issuing a transport writ was an abuse of discretion under Arkansas law. See *Baptist Health v. Murphy*, 365 Ark. 115, 226 S.W.3d 800 (2006).

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

Venue affects fairness. It affects the convenience of witnesses. It affects local control and the perception of neutrality. Appellant's motion for change of venue should have been decided before the case was advanced toward trial. See Ark. Code Ann. § 16-60-101 et seq..

Appellant alleged that White County was an improper or unfair forum because the defendants were local governmental entities and county actors closely tied to the underlying events. Whether that motion ultimately should have been granted is not the immediate issue. The immediate issue is that the motion should have been ruled on before the court continued to drive the case toward final hearing.

A court that fails to rule on venue while simultaneously moving the case toward trial creates uncertainty and unfairness. It forces the litigant to prepare in a forum that may later be rejected. That is not an orderly procedure. It is a procedural trap.

IV. The circuit court erred by failing to rule on pending emergency motions seeking immediate relief.

Emergency motions are not decorative filings. They are filed because the movant contends that harm is imminent and cannot be fully repaired later.

Appellant filed emergency requests for:

- a stay;
- recall or quashal of the writ;
- alternative appearance methods;
- a continuance;

- and a ruling on pending issues.

The record indicates that those motions remained unresolved while the court moved the matter toward trial and transport. That was reversible error because the court effectively denied emergency relief by inaction.

A court need not grant emergency relief merely because it is requested. But the court must at least address it in time to matter. Otherwise, the motion becomes a dead letter.

V. The circuit court abused its discretion by dismissing the action for failure to appear when Appellant was in federal custody and unable to appear.

This is the central error. The dismissal punished Appellant for failing to do what he could not do. Appellant was confined in federal custody. He lacked the authority to release himself. He lacked unilateral control over federal transport decisions. He repeatedly informed the court of these circumstances. There is no indication in the materials provided that he abandoned the case, ignored the court, or acted in bad faith.

A dismissal for nonappearance is especially problematic where the court knows the litigant is incarcerated and where the litigant has sought alternatives. It is one thing to dismiss for willful disregard. It is another to dismiss because the court insisted on physical attendance from a person who could not physically attend.

That is not an equitable outcome, and it is not consistent with due process.

VI. The record shows active prosecution, not abandonment, and the sanction of dismissal was unwarranted.

Arkansas law strongly favors merits-based adjudication. Appellant's filings show diligence:

- complaint;

- venue motion;
- recusal motion;
- preservation motion;
- emergency motions;
- objections;
- appellate notices;
- requests for alternatives;
- and supplemental filings.

This conduct is inconsistent with abandonment. It is consistent with an incarcerated litigant trying to keep his case alive under severe constraints.

Dismissal is the harshest ordinary procedural sanction. Before imposing it, courts should consider whether lesser measures could protect the court's interests. Here, lesser measures plainly existed:

- continue the hearing;
- permit remote appearance;
- permit written submissions;
- stay the case;
- resolve venue first;
- or hold the matter in abeyance until custody issues were resolved.

Because those alternatives were available, dismissal was too severe.

VII. The appeal is not moot, or alternatively falls within recognized mootness exceptions.

Although the Bureau of Prisons allegedly declined to authorize the transport, the appeal remains live as to the dismissal order and the underlying procedural rulings. Even if the transport issue itself cannot be executed, the Court should still decide the broader issues because they are capable of repetition yet evading review and involve substantial public importance.

The Arkansas Supreme Court recognizes mootness exceptions where:

- the issue is capable of repetition yet evading review; or
- the issue is one of substantial public interest that, if addressed, would prevent future litigation.

The issues here fit both categories. Incarcerated civil litigants regularly face timing problems that can defeat ordinary appellate review. And the specific questions presented here, including remote participation, custody-transfer concerns, venue, and dismissal for inability to appear, are important beyond this case.

VIII. The cumulative effect of the circuit court's errors requires reversal and remand.

Even if any single issue were viewed as close, the combined effect of the errors is not close:

- unresolved venue;
- unresolved emergency motions;
- unresolved preservation issues;
- trial setting before proper procedural development;

- transport writ despite alternatives;
- dismissal for inability to appear;
- and denial of meaningful access to the courts.

Taken together, these errors deprived Appellant of fair process. The Court should reverse and remand so the case can proceed in an orderly, lawful, and constitutionally sound manner.

SUPPLEMENTAL STATEMENT REGARDING MOOTNESS

Appellant incorporates the mootness analysis above and states further that the physical-transport controversy became incapable of execution when federal authorities declined to authorize the requested transfer. That later development, however, does not erase the legal significance of the circuit court's decisions.

The procedural rulings below remain reviewable because they affected the fairness of the proceedings and culminated in dismissal. The proper question is not simply whether the transport occurred. The proper question is whether the circuit court acted within its lawful discretion in setting the case for trial, issuing the writ, declining to rule on threshold motions, and dismissing the action when Appellant could not appear.

The answer is no.

CONCLUSION

This case is about access to the courts, due process, and whether an incarcerated civil plaintiff can be effectively removed from the judicial process because he cannot physically appear in person. The answer under Arkansas and federal constitutional law should be no.

Appellant repeatedly sought to litigate his claims. He filed motions. He sought venue relief. He asked for preservation of evidence. He requested remote participation. He sought a stay and a continuance. He did not abandon the case. The record instead reflects an attempt to keep the case alive while under severe federal custody restrictions.

The circuit court's actions, viewed as a whole, resulted in a denial of meaningful process. The dismissal should therefore be reversed, the case reinstated, and the matter remanded for proceedings consistent with due process and Arkansas law.

REQUEST FOR RELIEF

Appellant respectfully requests that this Court:

15. Reverse the June 5, 2026 dismissal order;
16. Vacate the April 7, 2026 transport writ and any related transport directives;
17. Vacate any trial-setting orders entered before threshold issues were resolved;
18. Remand with instructions that the circuit court rule on venue and pending emergency motions;
19. Reinstate Case No. 73CV-26-287; and
20. Grant all other just and proper relief.

CERTIFICATE OF SERVICE

I, Jason Matthew Lynch, certify that on this 17th day of July, 2026, I served a true and correct copy of this Brief of Appellant on all counsel of record and all parties entitled to service by the method authorized by the Court and applicable rules.

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se

CERTIFICATE OF COMPLIANCE

I, Jason Matthew Lynch, certify that this brief complies with the applicable Arkansas appellate rules governing formatting, service, and filing to the best of my knowledge and belief.

/s/ Jason Matthew Lynch

Jason Matthew Lynch, Pro Se

ADDENDUM INDEX

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- 22. Motion for Recusal
- 23. Motion for Change of Venue
- 24. Motion to Preserve Evidence
- 25. April 7, 2026 Trial-Setting Order

26. April 7, 2026 Transport Order
27. April 9–12, 2026 Emergency Motions
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EXPANDED ABSTRACT OF THE RECORD

Appellant filed his civil action on April 1, 2026. He immediately sought recusal, venue change, and preservation of evidence. The White County court then entered a trial-setting order and a transport order on April 7, 2026. Appellant objected and filed emergency motions between April 9 and April 12, 2026, seeking to quash or recall the transport writ, to stay proceedings, to obtain a continuance, and to appear remotely. He also raised safety concerns and explained that he remained in federal custody.

Appellant timely sought appellate review. The Bureau of Prisons later declined to authorize the requested transport. On June 5, 2026, the circuit court dismissed the action for failure to appear

at the May 14, 2026 hearing. Appellant now seeks reversal of that dismissal and the underlying procedural orders.