

**IN THE CIRCUIT COURT OF WHITE
COUNTY,
ARKANSAS CIVIL DIVISION**

JASON MATTHEW LYNCH PLAINTIFF

v. CASE NO. 73CV-26-287

WHITE COUNTY JAIL, ET AL. DEFENDANTS

**MOTION TO SET ASIDE ORDER OF DISMISSAL, MOTION FOR
RECONSIDERATION, AND MEMORANDUM OF LAW**

COMES NOW Plaintiff, Jason Matthew Lynch, appearing pro se, and respectfully moves this Court to set aside its Order entered June 5, 2026, dismissing this action for failure to appear at the May 14, 2026 hearing. In support thereof, Mr. Lynch states as follows:

I. INTRODUCTION

This action was dismissed solely because Plaintiff failed to physically appear at the hearing scheduled for May 14, 2026. The dismissal order contains no findings regarding the merits of Plaintiff's claims, no findings regarding willfulness, bad faith, prejudice to Defendants, alternative means of participation, or Plaintiff's status as a federal prisoner who lacked the ability to appear without authorization from federal authorities.

Plaintiff respectfully submits that dismissal under these circumstances is unjust, inequitable, and inconsistent with Arkansas law favoring disposition of cases upon their merits rather than procedural default.

II. FACTUAL BACKGROUND

1. At all relevant times, Plaintiff was in the custody of the Federal Bureau of Prisons.
2. Plaintiff did not possess the authority to transport himself to White County Circuit Court.
3. Plaintiff's appearance depended entirely upon approval and cooperation from federal authorities.
4. Plaintiff repeatedly notified the Court of his incarceration status.
5. Plaintiff filed numerous motions, notices, memoranda, responses, and requests seeking relief and guidance from the Court.
6. Plaintiff actively litigated this case and never abandoned his claims.

7. Plaintiff sought to participate in the proceedings and repeatedly informed the Court of the obstacles created by federal custody.
8. Plaintiff was advised that federal authorities declined requests concerning his transportation and custody.
9. Alternative means of participation were available, including telephonic appearance, video appearance, continuance, or other accommodations.
10. The Court dismissed Plaintiff's case without considering lesser alternatives.

III. PLAINTIFF HAS ACTIVELY PROSECUTED THIS CASE

This is not a case in which a litigant abandoned his claims.

Plaintiff has continuously filed pleadings, notices, responses, motions, and supporting memoranda.

Plaintiff has repeatedly attempted to obtain rulings and hearings.

In a separate White County matter, Plaintiff recently filed a Motion for Hearing and Request for Rulings specifically advising the Court that numerous motions remained pending and requesting an opportunity to be heard on the merits.

Those filings demonstrate a litigant actively pursuing his claims rather than abandoning them.

IV. GOOD CAUSE EXISTS TO SET ASIDE THE DISMISSAL

Plaintiff's failure to appear was not willful.

Plaintiff did not ignore the Court.

Plaintiff did not refuse to attend.

Plaintiff was physically unable to attend because he remained in federal custody and lacked authority to transport himself.

A litigant should not suffer dismissal where his absence results from circumstances beyond his control.

Plaintiff respectfully submits that federal incarceration constitutes good cause for relief from the dismissal order.

V. DISMISSAL RESULTS IN MANIFEST INJUSTICE

The allegations contained within this action involve serious constitutional violations and misconduct occurring within White County.

Dismissal prevents those allegations from being adjudicated upon their merits.

Dismissal deprives Plaintiff of discovery.

Dismissal deprives Plaintiff of the opportunity to present evidence.

Dismissal deprives Plaintiff of the opportunity to examine witnesses.

Dismissal deprives Plaintiff of meaningful judicial review.

The resulting prejudice falls entirely upon Plaintiff while Defendants suffer little or no prejudice from reinstatement of the case.

VI. ARKANSAS LAW FAVORS RESOLUTION ON THE MERITS

Arkansas appellate courts have repeatedly recognized that cases should be resolved on their merits whenever reasonably possible.

Dismissal is among the harshest sanctions available to a court.

Before imposing such a sanction, courts should consider whether lesser alternatives exist.

Here, alternatives existed, including:

- A. Continuance;
- B. Telephonic appearance;
- C. Video appearance;
- D. Rescheduling following Plaintiff's release;
- E. Status conference;
- F. Other reasonable accommodations.

None of those alternatives appear to have been considered before dismissal.

VII. INTERESTS OF JUSTICE FAVOR REINSTATEMENT

Plaintiff has diligently pursued relief.

Plaintiff has attempted to comply with court orders.

Plaintiff has continuously communicated with the Court.

Plaintiff has raised substantial claims involving constitutional rights.

Plaintiff seeks only the opportunity to present his evidence and have his claims decided on the merits.

Reinstating the case would promote fairness, judicial economy, and confidence in the judicial process.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Set aside the June 5, 2026 Order of Dismissal;
- B. Reinstate this action to the active docket;
- C. Schedule a status conference or hearing;
- D. Permit Plaintiff to appear through reasonable means if personal attendance remains impossible;
- E. Grant Plaintiff such other and further relief as the Court deems just and proper.

Respectfully Submitted,

/s/ Jason Matthew Lynch

Pro Se Plaintiff

