

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

Jason Matthew Lynch, Reg. No. 07405-510
Lynch v. Does et al.
No. 4:24-cv-00740-LPR-BBM (E.D. Ark.)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JASON MATTHEW LYNCH, Reg. No. 07405-510
Plaintiff

v. Case No. 4:24-cv-00740-LPR-BBM

DOES 1 3, et al.
Defendants

PLAINTIFF'S OMNIBUS MOTION TO DENY DEFENDANTS' MOTION TO FILE OUT OF TIME AND TO PROCEED
IMMEDIATELY TO SCHEDULING AND DISCOVERY

Plaintiff Jason Matthew Lynch, pro se, respectfully moves this Court for an Order:

1. Denying Defendants' Motion to File Out of Time;
2. Directing the Immediate Entry of a Scheduling Order;
3. Opening Discovery Forthwith;
4. Preventing Further Dilatory Tactics;
5. Advancing This Matter With All Possible Haste.

In support, Plaintiff states:

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

I. DEFENDANTS HAVE SHOWN NO GOOD CAUSE OR EXCUSABLE NEGLIGENCE UNDER RULE 6(b)

Under Fed. R. Civ. P. 6(b)(1)(B), once a deadline expires, a party must demonstrate "excusable neglect." The Supreme Court in *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380 (1993), established that excusable neglect requires equitable consideration of:

Prejudice to the opposing party

Length of delay

Reason for delay

Good faith

Defendants here are represented by a team of retained counsel. They are not pro se litigants. They are not incarcerated. They have full access to records, staff, and institutional support.

There has been:

No showing of unavoidable circumstance

No showing of mistake beyond counsel's control

No showing of excusable neglect

No affidavit demonstrating diligence

Instead, Defendants have asserted blanket denials to nearly every substantive allegation.

If Defendants' position is wholesale denial, there is no legitimate need to extend time to assert what they already assert complete denial.

The Eighth Circuit has held that courts may deny extensions when delay is attributable to counsel and unsupported by compelling justification. *Chorosevic v. MetLife Choices*, 600 F.3d 934 (8th Cir. 2010).

Defendants have failed to meet Rule 6(b)'s burden.

II. THIS CASE HAS ALREADY BEEN DELAYED NEARLY TWO YEARS

This matter has already experienced extraordinary delay, including:

Filing fee complications

Screening procedures

Service challenges

Procedural maneuvering

Federal courts are obligated under Fed. R. Civ. P. 1 to secure the "just, speedy, and inexpensive determination of every action."

"Speedy" is not decorative language.

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

Further delay prejudices Plaintiff in multiple constitutionally significant ways:

A. Statute of Limitations Risk

Plaintiff must identify Doe defendants through discovery.

Claims arise under 42 U.S.C. § 1983, which borrows Arkansas's personal injury limitations period (three years). See Ark. Code Ann. § 16-56-105; Owens v. Okure, 488 U.S. 235 (1989).

Discovery tools under:

Rule 33 (Interrogatories)

Rule 34 (Requests for Production)

Rule 36 (Requests for Admission)

Rule 30 (Depositions)

all require time.

If discovery is delayed, Plaintiff risks:

Inability to identify responsible actors

Expiration of limitations

Loss of constitutional claims

The Eighth Circuit recognizes that identifying unknown officers through discovery is appropriate in § 1983 litigation. *Munz v. Parr*, 758 F.2d 1254 (8th Cir. 1985).

Delay directly prejudices Plaintiff's ability to substitute named defendants before limitations expire.

III. DEFENDANTS' BLANKET DENIALS CONFIRM DISCOVERY MUST BEGIN IMMEDIATELY

Defendants have responded through counsel with categorical denials despite:

Over 100 grievances

Medical documentation

Witness statements

Institutional records

Video evidence

Body camera footage

Smart Communications logs

Medication administration records

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

Blanket denials do not justify delay. They justify discovery.

Under Rule 8(b), denials must "fairly respond to the substance of the allegation." Boilerplate blanket denials in the face of documentary evidence demonstrate that factual development not delay is required.

Where factual disputes exist, resolution through discovery is mandated. Summary procedures are improper where material fact disputes exist. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986).

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

MOTION TO FILE OUT OF TIME APPEARS STRATEGIC, NOT NECESSARY

Plaintiff respectfully states that Defendant Clayton Edwards is seeking public office as Sheriff. While Plaintiff does not seek to inject politics into this Court, it is undeniable that:

Public litigation exposure may impact election interests.

Delay benefits a candidate facing civil rights allegations.

Courts have repeatedly condemned litigation tactics designed for delay or strategic advantage. See *Dietz v. Bouldin*, 579 U.S. 40 (2016) (courts possess inherent authority to prevent abuse of process).

The judiciary must remain insulated from political delay strategies.

The public has an interest in timely adjudication of constitutional violations.

V. RULE 26 DOES NOT REQUIRE FURTHER DELAY

Under Rule 26(f), parties must confer before discovery unless otherwise ordered. However:

Plaintiff is incarcerated at FCI El Reno.

The institution permits video conferencing.

Plaintiff waives the need for formal conference and requests the Court to issue a scheduling order directly.

Courts routinely modify Rule 26 requirements in prisoner civil rights litigation.

There is no reason to delay scheduling.

VI. DEFENDANTS ARE NOT PRO SE; HIGHER PROFESSIONAL STANDARD APPLIES

Defendants are:

Represented by retained counsel

Public officials or contractors

Acting under color of state law

Professional counsel are expected to comply with deadlines. See *United States v. \$39,000 in Canadian Currency*, 801 F.2d 1210 (10th Cir. 1986) (attorney neglect does not automatically constitute excusable neglect).

Plaintiff, by contrast, is a federal inmate litigating pro se.

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

Equity does not favor the represented party seeking delay against the incarcerated litigant.

VII. RULE 16 REQUIRES ACTIVE CASE MANAGEMENT

Under Rule 16(b), courts must issue a scheduling order. The purpose is to prevent delay and promote judicial efficiency.

This case is ripe for:

Scheduling Order

Discovery deadlines

Motion deadlines

Nothing remains that justifies stagnation.

VIII. DENIAL OF MOTION TO FILE OUT OF TIME IS WITHIN COURT'S DISCRETION

District courts have broad discretion to deny untimely filings. *Noel v. AT&T Corp.*, 343 F.3d 443 (5th Cir. 2003).

Factors weigh against Defendants:

Lengthy case history

No compelling justification

Prejudice to Plaintiff

Pattern of delay tactics

Blanket denials already entered

IX. INTEREST OF JUSTICE REQUIRES PROGRESSION

The Supreme Court has emphasized that § 1983 exists to deter state actors from abusing power. *Owen v. City of Independence*, 445 U.S. 622 (1980).

Delay undermines deterrence.

Delay undermines accountability.

Delay undermines constitutional enforcement.

Justice delayed is justice denied.

X. PRAYER FOR RELIEF

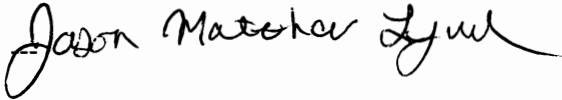
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WHEREFORE, Plaintiff respectfully requests that this Court:

1. DENY Defendants' Motion to File Out of Time;
2. Enter a Scheduling Order immediately pursuant to Rule 16;
3. Open discovery under Rules 26, 30, 33, 34, and 36 without further delay;
4. Set firm deadlines preventing further dilatory tactics;
5. Grant such other relief as is just and proper.

Respectfully submitted,

Jason Matthew Lynch
Reg. No. 07405-510
Pro Se Plaintiff

A handwritten signature in black ink that reads "Jason Matthew Lynch". The signature is written in a cursive, flowing style.