

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 19 2026

TAMMY H. DOWNS, CLERK
By:  DEPT. CLERK

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

CENTRAL DIVISION

JASON M. LYNCH
Plaintiff

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

CLAYTON EDWARDS;
LT. HANNAH ROSS;
CONNER GOODWIN;
ZACHARY RODGERS;
and SGT. SWINDLE
Defendants

PLAINTIFF'S SUR-REPLY / RESPONSE TO DEFENDANTS' REPLY REGARDING MOTION TO SET ASIDE SERVICE OF PROCESS

Plaintiff Jason Matthew Lynch, proceeding pro se, respectfully submits this response to Defendants' Reply concerning their Motion to Set Aside Service of Process and states as follows:

I. INTRODUCTION

Defendants attempt to invalidate service of process based on a technical argument regarding the manner in which service documents were received at the White County Detention Center.

However, the Federal Rules of Civil Procedure favor resolution of cases on their merits rather than dismissal based on minor procedural technicalities, particularly where defendants clearly received notice of the lawsuit.

Courts routinely deny motions to set aside service where defendants had actual notice of the litigation and suffered no prejudice.

See:

Karlsson v. Rabinowitz, 318 F.2d 666 (4th Cir. 1963)

United Food & Commercial Workers Union v. Alpha Beta Co., 736 F.2d 1371 (9th Cir. 1984)

Here, Defendants clearly had actual notice of this lawsuit.

II. SERVICE WAS REASONABLY CALCULATED TO PROVIDE NOTICE

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USMS mailed the summons and complaint to the White County Detention Center, the place of employment of the named defendants at the time the events giving rise to the complaint occurred.

The packet was received and signed for by Captain Clayton Edwards, a supervisory official at the facility.

Defendants admit that Captain Edwards accepted the packet of service documents.

Once a supervisory official receives service documents addressed to employees of the same facility, the institution is responsible for distributing the documents to the appropriate individuals.

Defendants cannot evade service simply because internal distribution procedures were not followed.

III. DEFENDANTS HAD ACTUAL NOTICE OF THE LAWSUIT

The record demonstrates that the defendants quickly obtained legal counsel and filed numerous pleadings in this case.

This confirms that the defendants had actual notice of the lawsuit, which is the fundamental purpose of service of process.

Courts consistently hold that technical defects in service do not warrant dismissal where defendants receive actual notice and are able to defend the case.

See:

Sanderford v. Prudential Ins. Co., 902 F.2d 897 (11th Cir. 1990)

IV. DEFENDANTS SHOULD NOT BENEFIT FROM INTERNAL EMPLOYMENT CHANGES

Defendants argue that certain individuals were not employed at the detention center at the time the summons was received.

However, the events giving rise to this lawsuit occurred while those individuals were acting as officers at the White County Detention Center.

The detention center was therefore the most logical and reliable location for service of process.

Defendants cannot avoid litigation simply because their employment status changed after the alleged constitutional violations occurred.

V. AT MINIMUM, THE COURT SHOULD PERMIT RE-SERVICE

Even if the Court were to find that service was technically defective, dismissal is not warranted.

Federal Rule of Civil Procedure 4(m) permits courts to extend the time for service when good cause exists.

Courts routinely grant extensions where:

- a pro se plaintiff attempts service in good faith
- defendants had actual notice of the lawsuit
- no prejudice results from allowing service to be corrected

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Plaintiff is an incarcerated litigant proceeding without counsel and made a good-faith effort to serve the defendants.

Accordingly, if the Court determines service must be corrected, Plaintiff respectfully requests that the Court allow additional time to perfect service rather than setting service aside outright.

VI. DEFENDANTS' MOTION IS AN ATTEMPT TO AVOID THE MERITS

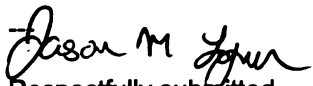
The motion to set aside service appears to be a procedural tactic designed to delay the case rather than address the serious constitutional violations alleged in the complaint.

Federal courts routinely discourage attempts to evade service through hypertechnical arguments where defendants clearly received notice of the litigation.

VII. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court:

1. Deny Defendants' Motion to Set Aside Service of Process;
2. Deny Defendants' request to invalidate service on the named defendants; and
3. Alternatively, if the Court finds service technically defective, grant Plaintiff additional time to perfect service pursuant to Rule 4 (m).


Respectfully submitted,

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Plaintiff, Pro Se

Certificate of Service

I certify that a copy of this document was mailed to counsel of record on this 15 day of March, 2026.

Jason Matthew Lynch
Plaintiff, Pro Se

