

IN THE CIRCUIT COURT OF WHITE COUNTY, ARKANSAS

17TH JUDICIAL CIRCUIT

JASON MATTHEW LYNCH

PLAINTIFF

v. Case No. 73CV-26-287

WHITE COUNTY, ET AL.

DEFENDANTS

**MOTION FOR INDICATIVE RULING REGARDING RELIEF FROM JUDGMENT, OR,
IN THE ALTERNATIVE, FOR RELIEF PURSUANT TO ARK. R. CIV. P. 60 SHOULD
JURISDICTION BE REINVESTED**

COMES NOW Plaintiff, Jason Matthew Lynch, appearing pro se, and respectfully moves this Court to enter an indicative ruling stating whether it would grant relief from the Order of Dismissal entered on June 5, 2026, should jurisdiction be returned by the Arkansas appellate courts. In support, Plaintiff states as follows:

I. INTRODUCTION AND RELIEF REQUESTED

1. Plaintiff respectfully requests a limited indicative ruling because the dismissal was entered while Plaintiff was unable to appear in person, despite his repeated efforts to secure remote participation, a continuance, and other relief so that the case could be decided on the merits.
2. Arkansas courts have long recognized that a circuit court retains authority to control its docket and dispose of matters properly before it, but pending motions should not simply remain unresolved. See *Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991).
3. Plaintiff further relies on Arkansas's strong preference for adjudication on the merits rather than by harsh procedural default where relief can fairly be granted. See *Jones v. Douglas*, 2016 Ark. 166, 490 S.W.3d 261, *Cummings v. Cummings*, 353 Ark. 440, 109

S.W.3d 659 (2003).

4. Plaintiff does not ask this Court to dictate the substance of any ruling. He asks only for a statement whether the Court would grant relief if jurisdiction is restored, and, if so, whether the dismissal should be vacated and the matter reinstated.

II. PROCEDURAL HISTORY

5. Plaintiff filed this action on February 23, 2026.
6. The Court granted Plaintiff leave to proceed in forma pauperis, appointed and reassigned judges following multiple recusals, and ultimately assigned the matter to the Honorable Robert Bynum Gibson, Jr.
7. Plaintiff diligently prosecuted this action by filing pleadings, motions, supporting memoranda, evidentiary materials, and emergency requests before trial.
8. Those filings included requests:
 - a. for permission to appear by telephone;
 - b. for permission to appear by videoconference;
 - c. for a continuance;
 - d. for a stay of proceedings;
 - e. for relief concerning the writ for inmate delivery; and
 - f. for other emergency relief necessary to permit Plaintiff to participate in the proceedings.
9. Plaintiff respectfully submits that these motions remained pending without disposition before the scheduled trial.
10. Arkansas law recognizes that a trial court should act on matters that are properly before it and make its disposition a matter of record. *Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991). The failure to rule on pending requests may leave the parties without

a meaningful opportunity to proceed in an orderly fashion.

III. PLAINTIFF WAS LEGALLY UNABLE TO APPEAR

11. At all relevant times, Plaintiff was an inmate of the Federal Bureau of Prisons housed at FCI El Reno, Oklahoma.
12. Plaintiff was in the exclusive custody of the United States Government and had no authority or ability to transport himself to White County Circuit Court.
13. The State writ issued by this Court required the cooperation and approval of the Federal Bureau of Prisons.
14. The Bureau of Prisons declined to honor the writ based upon federal safety and security concerns.
15. The Bureau further advised that Plaintiff previously had been removed from the custody of White County authorities by the United States Marshals Service and that returning Plaintiff to White County presented safety concerns.
16. The Bureau also cited Plaintiff's pending civil litigation against the White County Detention Center and concluded that the writ did not appear proper under the circumstances.
17. Plaintiff had no legal authority to compel the Bureau of Prisons to release him or transport him to Arkansas.
18. Accordingly, Plaintiff's failure to appear was not voluntary, intentional, or the result of neglect.
19. Arkansas law permits relief in circumstances where a litigant has been prevented from proceeding through circumstances beyond his control and has acted diligently in pursuit of relief. See *Arkco Corp. v. Askew*, 360 Ark. 222, 200 S.W.3d 444 (2004), *Tissing v. Ark. Dep't of Human Servs.*, 2009 Ark. 166, 303 S.W.3d 446, *State v. Dawson*, 343 Ark.

683, 38 S.W.3d 319 (2001).

20. The Arkansas Supreme Court has also recognized that Rule 60 is designed to permit correction of judgments in appropriate circumstances and to avoid unjust results where the rule's requirements are satisfied. See *Lord v. Mazzanti*, 339 Ark. 25, 2 S.W.3d 76 (1999), *Holt Bonding Co. v. State*, 353 Ark. 136, 114 S.W.3d 179 (2003).

IV. PLAINTIFF EXERCISED DUE DILIGENCE

21. Rather than abandoning this litigation, Plaintiff repeatedly informed the Court of his circumstances.
22. Plaintiff sought every reasonable means available to participate, including remote appearance by telephone or videoconference.
23. Plaintiff also requested continuances and other relief so that his claims could be heard on their merits.
24. Plaintiff did everything reasonably within his power to preserve his right of access to the courts.
25. Despite these efforts, Plaintiff's requests were not ruled upon before dismissal of the action.
26. Arkansas courts have repeatedly recognized diligence as a relevant consideration in evaluating whether relief is warranted after a procedural failure. See *Arkco Corp. v. Askew*, 360 Ark. 222, 200 S.W.3d 444 (2004), *Tissing v. Ark. Dep't of Human Servs.*, 2009 Ark. 166, 303 S.W.3d 446, *Sloan v. Ark. Rural Med. Prac. Loan & Scholarship Bd.*, 369 Ark. 442, 255 S.W.3d 834 (2007).
27. A court should act on motions submitted for ruling rather than leaving them unresolved indefinitely. *Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991). That principle is especially important where the unresolved motions concern a litigant's ability to attend

and participate in the hearing that later results in dismissal.

V. FUNDAMENTAL FAIRNESS AND THE PREFERENCE FOR DECISION ON THE MERITS

28. Plaintiff respectfully submits that dismissing the action for failure to appear under these circumstances worked a substantial injustice.

29. Plaintiff was prevented from attending through circumstances entirely beyond his control.

30. Had the Court granted any one of Plaintiff's pending requests for remote participation, or continued the matter until Plaintiff could lawfully appear, dismissal could have been avoided.

31. Arkansas appellate courts have repeatedly emphasized that the law favors resolution on the merits when possible rather than dismissal by procedural default alone. See *Jones v. Douglas*, 2016 Ark. 166, 490 S.W.3d 261, *National Enters., Inc. v. Lake Hamilton Resort, Inc.*, 2012 Ark. 369, 423 S.W.3d 79, *Carbajal v. State*, 2012 Ark. 387, 424 S.W.3d 318, *Cummings v. Cummings*, 353 Ark. 440, 109 S.W.3d 659 (2003).

32. The Arkansas Supreme Court has also recognized that Rule 60 is remedial in nature and is intended in proper cases to prevent injustice. See *Lord v. Mazzanti*, 339 Ark. 25, 2 S.W.3d 76 (1999), *State v. Dawson*, 343 Ark. 683, 38 S.W.3d 319 (2001), *Holt Bonding Co. v. State*, 353 Ark. 136, 114 S.W.3d 179 (2003).

33. Plaintiff respectfully submits that the interests of justice favor resolving this matter upon its merits rather than upon circumstances created by Plaintiff's federal confinement and the Bureau of Prisons' independent refusal to honor the state writ.

VI. SUBSEQUENT PROCEEDINGS

34. Following dismissal, Plaintiff immediately continued litigating this matter by filing

notices of appeal, briefs, supplemental briefs, and motions seeking relief.

35. These filings demonstrate that Plaintiff never intended to abandon this action.
36. Plaintiff's conduct throughout these proceedings reflects continuous diligence and a good-faith effort to obtain judicial review of his claims.
37. Arkansas courts have treated continued pursuit of relief as evidence of diligence in analogous procedural contexts. See *Tissing v. Ark. Dep't of Human Servs.*, 2009 Ark. 166, 303 S.W.3d 446, *Sloan v. Ark. Rural Med. Prac. Loan & Scholarship Bd.*, 369 Ark. 442, 255 S.W.3d 834 (2007).

VII. PENDING APPEAL AND INDICATIVE RULING

38. Plaintiff recognizes that an appeal from the dismissal remains pending before the Arkansas appellate courts.
39. Plaintiff therefore acknowledges that this Court may presently lack jurisdiction to vacate the judgment.
40. Accordingly, Plaintiff requests only that the Court indicate whether it would grant relief from the judgment if jurisdiction were returned by the appellate court.
41. Such an indicative ruling would permit Plaintiff to seek an appropriate limited remand from the Arkansas appellate court if necessary.
42. Arkansas procedure recognizes that a circuit court may correct clerical mistakes at any time under Ark. R. Civ. P. 60(a), but that the court's ability to alter a judgment after an appeal has been taken is constrained absent leave of the appellate court. See *Lord v. Mazzanti*, 339 Ark. 25, 2 S.W.3d 76 (1999).
43. In the federal system, the analogous procedure is reflected in Fed. R. Civ. P. 62.1 and Fed. R. App. P. 12.1, which expressly permit indicative rulings when a motion is made that the district court lacks authority to grant because of a pending appeal. Although those rules

are not controlling here, they are persuasive by analogy and support the relief requested.

VIII. ALTERNATIVE REQUEST FOR RELIEF UNDER RULE 60

44. In the alternative, and only if jurisdiction is reinvested, Plaintiff requests relief under Ark. R. Civ. P. 60.
45. Arkansas Rule of Civil Procedure 60 permits a court, within the time and circumstances recognized by the rule and the case law construing it, to modify or vacate judgments to correct errors or prevent injustice. See *Lord v. Mazzanti*, 339 Ark. 25, 2 S.W.3d 76 (1999), *State v. Dawson*, 343 Ark. 683, 38 S.W.3d 319 (2001), *Phillips v. Jacobs*, 305 Ark. 365, 807 S.W.2d 923 (1991).
46. Plaintiff respectfully submits that the dismissal should be vacated because the failure to appear was caused by his federal confinement and the Bureau of Prisons' refusal to honor the writ, not by willful disregard of this Court's authority.
47. Arkansas law also distinguishes between errors that can be corrected to make the record speak the truth and attempts to change what the court actually decided. See *Lord v. Mazzanti*, 339 Ark. 25, 2 S.W.3d 76 (1999), *Chastain v. Davis*, 294 Ark. 134, 741 S.W.2d 632 (1987). Plaintiff submits that the relief requested here falls within the former category because it concerns whether dismissal should stand in light of circumstances that prevented participation.
48. Plaintiff further submits that, where a party has made repeated efforts to obtain review and has not willfully defaulted, Rule 60 relief is consistent with the rule's purpose and Arkansas's preference for resolving cases on the merits. See *Arkco Corp. v. Askew*, 360 Ark. 222, 200 S.W.3d 444 (2004), *Jones v. Douglas*, 2016 Ark. 166, 490 S.W.3d 261.

WHEREFORE

Plaintiff respectfully requests that this Court:

1. Enter an order stating whether it would grant relief from the June 5, 2026 dismissal if jurisdiction were returned by the appellate court;
2. State that, if jurisdiction is restored, the Court would vacate the dismissal and reinstate this matter upon the active docket for further proceedings;
3. Set a status conference upon reinstatement and permit Plaintiff to participate remotely should personal appearance remain impossible; and
4. Grant all further relief the Court deems just and proper.

Respectfully submitted,

Jason Matthew Lynch

Plaintiff, Pro Se