

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

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TAMMY H. DOWNS, CLERK
By:  DEP CLERK

Jason Matthew Lynch v. Does, et al.
No. 4:24-cv-00740-LPR-BBM
United States District Court
Eastern District of Arkansas Central Division

PLAINTIFF'S OMNIBUS MOTION AND MEMORANDUM OF LAW

IN OPPOSITION TO DISMISSAL, SUMMARY JUDGMENT, AND ASSERTIONS OF IMMUNITY

Plaintiff, Jason Matthew Lynch (Reg. No. 07405-510), respectfully submits this Omnibus Motion and supporting Memorandum of Law demonstrating why:

1. Summary Judgment will not be proper in this case;
2. Any form of dismissal would constitute manifest injustice;
3. Qualified Immunity does not apply to Turn Key Health Clinics, LLC, its medical staff, or White County Jail officials;
4. Qualified Immunity cannot apply where material constitutional and statutory violations are established and factually disputed.

I. SUMMARY JUDGMENT WILL NEVER BE PROPER IN LYNCH V. DOES

A. Governing Standard

Under Fed. R. Civ. P. 56(a), summary judgment is appropriate only where "there is no genuine dispute as to any material fact."

The Supreme Court has repeatedly held that courts may not weigh evidence or make credibility determinations at summary judgment:

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)

Tolan v. Cotton, 572 U.S. 650 (2014)

All evidence must be viewed in the light most favorable to the non-moving party.

B. This Case is Saturated with Material Fact Disputes

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This case involves:

A 100-day interruption of prescribed HIV medication (Biktarvy)

Over 100 documented grievances

Jail video and body camera footage

16 inmate witness declarations

5 staff witnesses

3 expert witnesses

Medical records and HIV Standard of Care documentation

Material factual disputes include:

Whether Defendants knowingly withheld life-sustaining medication

Whether delays were intentional or reckless

Whether policies caused constitutional injury

Whether retaliation occurred after grievance filing

Whether religious discrimination occurred

Whether legal mail was interfered with

Each of these issues turns on credibility, documentary evidence, and state of mind all jury questions.

The Eighth Circuit has repeatedly held that deliberate indifference cases are rarely appropriate for summary judgment where evidence shows knowledge and delay.

See:

Langford v. Norris, 614 F.3d 445 (8th Cir. 2010)

Roberson v. Bradshaw, 198 F.3d 645 (8th Cir. 1999)

C. Rule 56(d) Bars Premature Summary Judgment

Evidence is in Defendants' exclusive control:

Surveillance video

Medication administration logs

Internal communications

Grievance database

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Intake screening records

Under Rule 56(d), summary judgment is improper where discovery has not been completed.

II. DISMISSAL WOULD BE MANIFEST INJUSTICE

A. Claims Already Survived Screening

The Court has already reviewed and permitted these claims to proceed. That determination confirms the claims are plausible and legally grounded.

Dismissal after screening would undermine judicial consistency.

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B. Clearly Established Law

The following rights have been clearly established for decades:

Right to adequate medical care *Estelle* (1976)

No deliberate indifference *Farmer* (1994)

Right to religious exercise *Turner v. Safley*, 482 U.S. 78 (1987)

Right of access to courts *Bounds v. Smith*, 430 U.S. 817 (1977)

No retaliation for grievances *Santiago v. Blair*, 707 F.3d 984 (8th Cir. 2013)

No reasonable official could believe that withholding prescribed HIV medication for 100 days was lawful.

C. Qualified Immunity Does NOT Apply to Turn Key Health Clinics

Private medical contractors are state actors under:

West v. Atkins, 487 U.S. 42 (1988)

However, the Supreme Court has held private prison employees are not entitled to qualified immunity:

Richardson v. McKnight, 521 U.S. 399 (1997)

Turn Key and its staff are private actors operating under contract. Qualified immunity does not shield them.

D. Qualified Immunity Does Not Apply Where Material Facts Are Disputed

The Supreme Court has held that where facts are disputed, immunity cannot be resolved on summary judgment.

See:

Johnson v. Jones, 515 U.S. 304 (1995)

Tolan v. Cotton, 572 U.S. 650 (2014)

Because Defendants' knowledge and intent are contested, immunity cannot attach.

IV. IMMUNITY FAILS WHEN CONSTITUTIONAL AND STATUTORY VIOLATIONS ARE MATERIAL FACTS

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Qualified immunity is not a license to violate clearly established law.

Where evidence shows:

Knowledge of HIV diagnosis

Knowledge of prescribed medication

Repeated grievances

Intentional delay

Retaliatory conduct

Immunity fails.

The Eighth Circuit has repeatedly denied immunity in deliberate indifference cases involving ignored medical needs.

V. MONELL LIABILITY PRECLUDES DISMISSAL

Under:

Monell v. Dep't of Social Services, 436 U.S. 658 (1978)

Municipal entities are liable for:

Policies

Customs

Failure to train

Deliberate indifference

Here, systemic failures in intake, medication verification, and grievance response demonstrate institutional policy failures.

VI. STATE LAW AND ADA CLAIMS FURTHER BAR IMMUNITY

Title II of the ADA does not permit qualified immunity defenses in the same manner as § 1983 claims.

Failure to accommodate chronic HIV status implicates federal statutory protections.

VII. JURY DETERMINATION IS REQUIRED

Deliberate indifference is a fact-intensive inquiry.

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Intent, knowledge, retaliation motive, and credibility must be evaluated by a jury.

Summary judgment would improperly weigh evidence.

Dismissal would improperly assume facts against Plaintiff.

Immunity would improperly shield clearly unlawful conduct.

VIII. CONCLUSION

This case presents:

Clearly established constitutional violations

Documentary and testimonial evidence

Serious medical harm

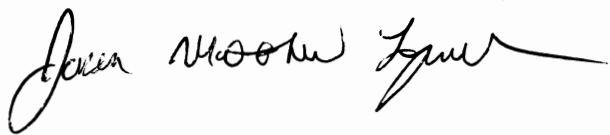
Retaliation and religious discrimination

Institutional failures

Accordingly:

1. Summary Judgment must be denied.
2. Dismissal would constitute manifest injustice.
3. Qualified Immunity does not apply to Turn Key, its staff, or jail officials.
4. Immunity cannot attach where constitutional violations and material facts are disputed.

This matter must proceed to full discovery and jury determination.

A handwritten signature in black ink, appearing to read "Jason Moore Lynch", with a long horizontal flourish extending to the right.