

SUPPLEMENTAL ARGUMENT REGARDING IMPROPER DISMISSAL OF CASE NO. 73CV-26-287

I. THE CIRCUIT COURT ERRED BY DISMISSING THE ACTION FOR FAILURE TO APPEAR WHEN PLAINTIFF WAS IN FEDERAL CUSTODY

The dismissal entered on June 5, 2026, states only that Petitioner's action was dismissed because he failed to appear at the May 14, 2026 hearing. [?]

26-287 Order.pdf

At all relevant times, Appellant Jason Matthew Lynch was in federal custody under the authority of the Federal Bureau of Prisons. Mr. Lynch repeatedly informed the circuit court that he was incarcerated and lacked the ability to transport himself to court. He further sought relief through motions, notices, and requests for accommodation.

A litigant cannot be punished for failing to perform an act that is impossible. Mr. Lynch had no authority to release himself from federal custody, arrange transportation, or compel the Federal Bureau of Prisons to surrender custody for a state civil proceeding.

Dismissal under these circumstances effectively penalized Appellant for his incarceration rather than any willful refusal to appear.

II. THE ISSUE OF APPEARANCE BECAME MOOT WHEN THE FEDERAL BUREAU OF PRISONS REFUSED TO HONOR THE CIVIL WRIT

Subsequent events confirmed that the Federal Bureau of Prisons declined to authorize the requested transfer of custody.

Federal officials reportedly determined that the requested transport presented significant concerns and declined to approve the transfer. Alternative methods of appearance were reportedly offered but not accepted.

Once federal authorities denied the transfer request, it became apparent that Mr. Lynch never possessed the ability to appear in person regardless of his desire to prosecute the action.

The circuit court therefore dismissed the case based upon a circumstance entirely beyond the Plaintiff's control.

III. THE CIRCUIT COURT LACKED AUTHORITY TO FRUSTRATE APPELLATE REVIEW OF ISSUES ALREADY BEFORE THE ARKANSAS SUPREME COURT

At the time of dismissal, issues arising from this litigation had already been presented to the Arkansas Supreme Court through appellate and extraordinary-writ proceedings.

A lower court retains jurisdiction over matters not involved in the appeal; however, it may not take actions that interfere with, frustrate, or render meaningless issues already pending before the appellate court.

By dismissing the action while appellate proceedings were ongoing, the circuit court created substantial confusion concerning the status of the controversy and potentially impaired meaningful review of issues already presented to the Arkansas Supreme Court.

This Court should therefore closely scrutinize whether the dismissal improperly affected matters then pending before the appellate court.

III(A). THE TIMING OF THE DISMISSAL FURTHER DEMONSTRATES THAT THE ORDER WAS PREMATURE AND PREJUDICIAL

The timing of the dismissal raises additional concerns regarding the fairness and propriety of the circuit court's actions.

The hearing at issue occurred on May 14, 2026. However, the Order of Dismissal was not entered until June 5, 2026, more than three weeks later. During that period, the circuit court was aware that Mr. Lynch remained in federal custody and that substantial disputes existed regarding transportation, custody transfer, and his ability to personally appear. ²

26-287 Order.pdf

The court was likewise aware that numerous motions remained unresolved and that extraordinary-writ and appellate proceedings had already been initiated concerning matters arising from this litigation.

Rather than addressing those pending issues, ruling on the outstanding motions, or considering alternative means of participation, the circuit court entered a dismissal based solely upon nonappearance. The order contains no findings regarding:

Whether Mr. Lynch's failure to appear was willful;

Whether federal custody prevented attendance;

Whether alternative means of appearance were available;

Whether lesser sanctions were considered;

Whether pending appellate proceedings affected the court's authority to proceed; or

Whether dismissal would substantially prejudice the Plaintiff.

The absence of such findings is particularly significant because the record reflects that Mr. Lynch consistently sought to prosecute his claims. He filed motions, notices, memoranda of law, requests for hearings, objections, and other pleadings demonstrating an ongoing intention to pursue the case.

Nothing in the record suggests abandonment. To the contrary, the record demonstrates active litigation by an incarcerated plaintiff attempting to secure access to the courts while under federal custody restrictions.

Under these circumstances, dismissing the action without first resolving the transportation issues, addressing pending motions, or considering less drastic alternatives constituted an abuse of discretion and deprived Mr. Lynch of a meaningful opportunity to be heard.

Moreover, because the dismissal occurred while appellate and extraordinary-relief proceedings were pending, the order created substantial prejudice by potentially interfering with issues already presented to the Arkansas Supreme Court. A lower court should not take action that effectively undermines, frustrates, or renders academic matters currently under review by a higher court.

For these reasons, the June 5, 2026 dismissal order should be vacated and the matter remanded for further proceedings on the merits.

IV. LESSER SANCTIONS WERE AVAILABLE

Even assuming dismissal was permissible, dismissal should have been a last resort.

The circuit court possessed numerous alternatives, including:

Continuing the hearing;

Permitting appearance by telephone;

Permitting appearance by video conference;

Staying proceedings pending resolution of custody issues;

Allowing written submissions;

Entering a scheduling order to address transportation concerns.

Nothing in the record demonstrates that these alternatives were exhausted before the ultimate sanction of dismissal was imposed.

Because dismissal is the harshest sanction available, courts generally require consideration of lesser alternatives before terminating a litigant's claims.

V. THE DISMISSAL CAUSES SUBSTANTIAL PREJUDICE

The dismissal causes significant prejudice to Mr. Lynch.

The underlying claims involve allegations of constitutional violations, unlawful conduct by government actors, denial of rights while incarcerated, and related damages.

The dismissal creates unnecessary procedural barriers, forces duplicative filings, increases costs, delays resolution on the merits, and risks statute-of-limitations concerns.

Arkansas law strongly favors resolution of disputes on their merits rather than procedural forfeitures where a litigant has actively attempted to pursue relief.

Mr. Lynch filed numerous motions, notices, memoranda, and requests for relief demonstrating his intent to prosecute the action. The record does not reflect abandonment of the case; rather, it reflects an incarcerated litigant attempting to navigate extraordinary custody restrictions.

POINT VI

THE CIRCUIT COURT VIOLATED APPELLANT'S CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS BY DISMISSING THE ACTION BASED UPON A CUSTODY STATUS BEYOND HIS CONTROL

The United States Constitution and the Arkansas Constitution guarantee meaningful access to the courts. That right extends to incarcerated persons, who do not surrender their constitutional protections merely because they are confined. While imprisonment may impose practical limitations, it cannot serve as a basis for completely denying a litigant the opportunity to present his claims.

In this case, Appellant Jason Matthew Lynch was in federal custody and lacked the legal authority, physical ability, or practical means to transport himself to a state-court hearing. His inability to appear was not the result of neglect, abandonment, bad faith, or willful disobedience of any court order. Rather, it resulted solely from his custodial status and the actions of governmental entities exercising control over his person.

The record demonstrates that Mr. Lynch repeatedly informed the circuit court of his incarceration, his inability to personally appear without governmental authorization, and the ongoing disputes surrounding transportation and custody issues. Rather than

accommodating those circumstances through alternative means of participation, the circuit court dismissed the action outright for failure to appear. [?]

26-287 Order.pdf

The constitutional right of access to the courts requires more than the mere theoretical ability to file pleadings. It requires a meaningful opportunity to be heard. A litigant cannot be deprived of that opportunity because of circumstances entirely beyond his control.

The Supreme Court has long recognized that prisoners retain a constitutional right of access to the courts. See *Bounds v. Smith*, 430 U.S. 817 (1977); *Lewis v. Casey*, 518 U.S. 343 (1996). Likewise, Arkansas courts have consistently recognized the importance of ensuring that litigants receive a meaningful opportunity to present their claims before suffering dismissal or other dispositive sanctions.

Here, the dismissal effectively punished Mr. Lynch for being incarcerated. The court did not find that he acted in bad faith. The court did not find that he intentionally failed to appear. The court did not find that he ignored court orders. Instead, the sole basis for dismissal was his nonappearance at a hearing that he lacked the ability to attend due to federal custody restrictions. [?]

26-287 Order.pdf

Moreover, the record reflects that Mr. Lynch actively prosecuted this action. He filed pleadings, motions, notices, objections, memoranda of law, requests for hearings, and appellate filings. His actions demonstrated a continuing desire to pursue the litigation and obtain a decision on the merits. Nothing in the record supports a conclusion that he abandoned his claims.

The circuit court further failed to consider reasonable alternatives that would have protected both judicial efficiency and Appellant's constitutional rights. Such alternatives included:

Telephonic appearance;

Video appearance;

Written submissions;

Continuance pending resolution of custody issues;

Stay of proceedings;

Ruling upon pending motions before dismissal; or

Any other accommodation reasonably available to an incarcerated litigant.

By refusing to consider these alternatives and instead terminating the action, the circuit court deprived Appellant of a meaningful opportunity to be heard and effectively closed the courthouse doors based solely upon his incarceration.

The prejudice resulting from the dismissal is substantial. The action involves allegations of constitutional violations, governmental misconduct, and serious harms suffered while incarcerated. Dismissal not only delays resolution of those claims but creates additional procedural hurdles, expense, and potential statute-of-limitations concerns that may forever impair Appellant's ability to obtain meaningful relief.

Because the dismissal was based upon circumstances entirely beyond Appellant's control and deprived him of meaningful access to the courts, the order constitutes a violation of due process, a denial of access to the courts, and an abuse of discretion requiring reversal.

Accordingly, Appellant respectfully requests that this Court vacate the June 5, 2026 Order of Dismissal, reinstate Case No. 73CV-26-287, and remand the matter with instructions that Appellant be afforded a meaningful opportunity to litigate his claims on the merits. ¶

26-287 Order.pdf

Preservation of Federal Constitutional Claims

Appellant further states that, to the extent the dismissal was predicated solely upon his incarcerated status and inability to secure transportation from federal custody, he expressly preserves all rights and remedies arising under the First, Fifth, and Fourteenth Amendments to the United States Constitution, the Arkansas Constitution, and 42 U.S.C. § 1983. A state court may not deny a litigant meaningful access to the courts by imposing a condition that the litigant has no power to satisfy. Where government action prevents attendance and the court then dismisses the action because attendance was impossible, the resulting deprivation raises serious constitutional concerns warranting appellate intervention.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Arkansas Supreme Court:

Reverse the June 5, 2026 dismissal order;

Reinstate Case No. 73CV-26-287;

Remand with instructions that the circuit court consider reasonable alternatives to dismissal;

Direct that Appellant be afforded a meaningful opportunity to litigate his claims despite his prior federal custody status; and

Grant all other relief to which Appellant may be entitled.

Respectfully submitted,

/s/Jason Matthew Lynch

Appellant, Pro Se