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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JASON MATTHEW LYNCH
Plaintiff

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

TURN KEY HEALTH CLINICS, LLC,
ASHLEY WATTS,
KATYNN SMITH, and DOES
Defendants

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
FEB 26 2026
TAMMY H. DOWNS, CLERK
By: [Signature] DEP CLERK

PLAINTIFF'S COMBINED RESPONSE TO DEFENDANTS' ANSWER,
OPPOSITION TO MOTION FOR MORE DEFINITE STATEMENT,
AND MOTION FOR PRESERVATION OF EVIDENCE

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

Plaintiff Jason Matthew Lynch, Reg. No. 07405-510, respectfully states:

I. PRELIMINARY EVIDENTIARY STATEMENT

This is not a credibility dispute. This is a documented, paper-trail case supported by:

16 inmate witnesses signed under penalty of perjury (Doc. 1; TAC)

3 expert witnesses

5 staff witnesses

Over 100 filed grievances

Smart Communications medical requests and responses

Jail pod cameras and officer body cams

Medication administration records

Contemporaneous handwritten treatment logs

Most of this evidence is in the sole custody and control of Defendants.

Once litigation is reasonably anticipated, parties have a duty to preserve evidence.

See *Silvestri v. GM Corp.*, 271 F.3d 583 (4th Cir. 2001);

Stevenson v. Union Pac. R.R., 354 F.3d 739 (8th Cir. 2004).

Failure to preserve electronically stored information subjects parties to sanctions under Fed. R. Civ. P. 37(e).

Plaintiff places Defendants formally on notice that all:

Smart Communications data

Medication logs

Body cam recordings

Pod camera footage

Grievance logs

Electronic medical records

must be preserved.

II. RESPONSE TO DEFENDANTS' GENERAL DENIALS

Defendants claim the 171-page TAC is "voluminous" and duplicative.

The TAC survived screening under 28 U.S.C. § 1915A, demonstrating sufficiency. It clearly states:

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Who acted

What was done

When

Where

How harm resulted

Rule 8 does not require brevity at the expense of clarity. It requires fair notice. Defendants have fair notice.

III. DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS

HIV treatment is unquestionably a serious medical need.

Estelle v. Gamble, 429 U.S. 97 (1976).

Farmer v. Brennan, 511 U.S. 825 (1994).

Interruption or improper administration of HIV medication states a constitutional claim.

Hartsfield v. Colburn, 371 F.3d 454 (8th Cir. 2004).

Specific Conduct Alleged:

Crushing Biktarvy contrary to physician instruction

Doctor explicitly stated: "DO NOT CRUSH"

Medication crushed anyway

Half-dose residue left in bags

Medication thrown away

Full bottle missing

Medication given to another inmate

Chronic care delayed until August 23 despite June 9 intake

Failure to follow physician orders constitutes deliberate indifference.

Meloy v. Bachmeier, 302 F.3d 845 (8th Cir. 2002).

This was not negligence. It was conscious disregard.

IV. POLICY / CUSTOM LIABILITY (MONELL)

Turn Key is a private medical contractor acting under color of state law.

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

Under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978), liability attaches where policy or custom is the moving force.

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Plaintiff alleges:

Policy of requiring payment to see doctor despite chronic care status

Policy of denying grievances

Custom of crushing medication

Custom of mislabeling forced refusals

Forced medical release under threat of lockdown

These policies directly caused harm.

V. §1985 CONSPIRACY (STRENGTHENED)

A §1985 conspiracy requires:

1. Agreement between two or more persons

2. Intent to deprive constitutional rights

3. Overt act

4. Injury

White v. McKinley, 519 F.3d 806 (8th Cir. 2008).

Plaintiff alleges:

Meeting in medical office

Threat of medical lockdown

Forced release signing

Coordinated denial of chronic care

Coordinated labeling of refusals

Retaliation after repeated complaints

This constitutes a "meeting of the minds." Circumstantial evidence suffices.

The overt acts include crushing medication, denying doctor access, discarding medication, and false charting.

Injury includes immune harm and life expectancy reduction.

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VI. PROFESSIONAL NEGLIGENCE & WANTON MISCONDUCT

Arkansas medical negligence requires:

1. Duty
2. Breach
3. Causation
4. Damages

All elements satisfied.

Crushing medication contrary to orders breaches the standard of care.

Punitive damages are available where conduct shows reckless indifference.
Smith v. Wade, 461 U.S. 30 (1983).

VII. EXHAUSTION (PLRA)

Plaintiff filed over 100 grievances.

Under Ross v. Blake, 578 U.S. 632 (2016), remedies that are unavailable (ignored, obstructed, mocked) do not bar suit.

Defendants cannot ignore grievances and then assert non-exhaustion.

VIII. IMMUNITY DEFENSES FAIL

Turn Key is a private entity.

Eleventh Amendment immunity does not apply to private prison contractors.
Richardson v. McKnight, 521 U.S. 399 (1997).

Good faith immunity is unavailable where conduct is intentional and reckless.

IX. NO ASSUMPTION OF RISK

There is no voluntary assumption of risk in custody.

Plaintiff had no ability to select providers or refuse without punishment.

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Jason Matthew Lynch (pro se)

Jason Matthew Lynch

Reg 07405-510

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