

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

SUBJECT: RE: Order to Preserve evidence

I'm not sure when is the correct time to ask for evidence to be preserved please forgive me if its still to early....

JASON MATTHEW LYNCH,
Plaintiff,

v.

WHITE COUNTY, ARKANSAS;
WHITE COUNTY JAIL;
TURN KEY HEALTH CLINICS, LLC;
SHERIFF OF WHITE COUNTY;
JAIL ADMINISTRATORS; MEDICAL STAFF;
UNKNOWN DOE DEFENDANTS 1 50,
Defendants.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 26 2026

TAMMIE L. DOWNS, CLERK
By: [Signature] DEP CLERK

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

MOTION FOR ORDER COMPELLING PRESERVATION OF ALL EVIDENCE

COMES NOW Plaintiff, Jason Matthew Lynch, appearing pro se, and respectfully moves this Honorable Court for an immediate Order compelling Defendants to preserve all evidence related to Mr. Lynch and Ms. Lynch, and in support thereof states as follows:

I. INTRODUCTION AND NATURE OF RELIEF REQUESTED

1. This is a pre-trial emergency motion seeking an Order to preserve evidence that is solely in the possession, custody, and control of Defendants.

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3. The requested Order is narrow, necessary, and just, and seeks only to preserve not produce evidence at this stage.

4. Plaintiff has a good-faith and well-founded belief that Defendants face damning documentary, electronic, medical, video, and policy evidence, and that Defendants would rather risk sanctions for spoliation than allow such evidence to be reviewed by the Court or a jury.

II. FACTUAL BASIS DEMONSTRATING IMMINENT RISK OF SPOILIATION

5. Plaintiff Jason Matthew Lynch (Reg. No. 07405-510) was detained at the White County Jail in Searcy, Arkansas, where he suffered systemic constitutional, statutory, and tort violations, including but not limited to:

Prolonged denial and interruption of prescribed HIV antiretroviral therapy (Biktarvy);

Deliberate indifference to serious medical needs;

Retaliation for grievances and legal activity;

Interference with legal mail and access to courts;

Religious discrimination;

Unconstitutional policies, customs, and failure to train.

6. All material evidence proving or disproving these claims including jail logs, medical records, medication administration records, surveillance video, emails, grievances, policies, contracts, and internal communications is exclusively controlled by Defendants.

7. Plaintiff and others have submitted at least four (4) separate Arkansas Freedom of Information Act (FOIA) requests, Ark. Code Ann. § 25-19-101 et seq., seeking records directly related to these events.

8. Defendants failed to respond to those FOIA requests as required by law, further demonstrating:

A lack of transparency;

A pattern of concealment; and

A heightened risk that evidence will be destroyed or altered.

9. Plaintiff has been explicitly and implicitly threatened that records would be deleted, lost, or "no longer available," and that jail and medical systems automatically overwrite or purge data.

10. Many categories of evidence at issue such as surveillance video, electronic medical records metadata, medication logs, phone recordings, and email systems are subject to routine deletion unless an affirmative preservation order is entered.

11. Once destroyed, such evidence cannot be reconstructed, and its loss would cause irreparable prejudice to Plaintiff.

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III. LEGAL DUTY TO PRESERVE EVIDENCE

A. Arkansas Law Recognizes and Punishes Spoliation

12. Arkansas courts recognize spoliation of evidence as:

> "The intentional destruction of evidence, and when it is established, the fact-finder may draw an inference that the evidence destroyed was unfavorable to the party responsible."
Goff v. Harold Ives Trucking Co., 342 Ark. 143, 148, 27 S.W.3d 387 (2000).

13. Arkansas courts possess inherent authority to issue preservation orders to protect the integrity of judicial proceedings.

14. Arkansas Rule of Civil Procedure 37 authorizes sanctions for failure to preserve evidence, including adverse inferences, exclusion of defenses, and default judgment.

15. Arkansas Rule of Civil Procedure 26(b) permits discovery of electronically stored information and necessarily implies a duty to preserve once litigation is reasonably anticipated.

B. Federal Law Confirms the Duty to Preserve Upon Notice of Litigation

16. Federal law relevant here due to related and parallel federal civil rights actions holds that the duty to preserve evidence arises when litigation is pending or reasonably foreseeable.
Silvestri v. Gen. Motors Corp., 271 F.3d 583, 591 (4th Cir. 2001).

17. Government entities and contractors acting under color of state law have a heightened duty to preserve records involving constitutional violations.
Zubulake v. UBS Warburg LLC, 220 F.R.D. 212 (S.D.N.Y. 2003).

18. Courts routinely enter preservation orders where evidence is:

Controlled solely by defendants;

Subject to routine deletion; and

Central to civil rights claims.
See Stevenson v. Union Pac. R.R., 354 F.3d 739 (8th Cir. 2004).

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IV. FAILURE TO COMPLY WITH ARKANSAS FOIA SUPPORTS PRESERVATION ORDER

19. Arkansas FOIA declares that public records shall be open to inspection and that custodians must respond promptly. Ark. Code Ann. § 25-19-105.

20. Defendants' repeated failure to respond to FOIA requests supports a reasonable inference of concealment or bad faith, and independently justifies court-ordered preservation.

21. FOIA noncompliance, when combined with control over evidence and active litigation, creates an extraordinary risk of spoliation warranting immediate judicial intervention.

V. CATEGORIES OF EVIDENCE THAT MUST BE PRESERVED

Plaintiff respectfully requests the Court order Defendants to preserve all evidence, including but not limited to:

1. All medical records, charts, MARs, EMARs, prescriptions, refusals, and pharmacy communications concerning Mr. Lynch;
2. All contracts, policies, protocols, and training materials involving Turn Key Health and White County;
3. All jail logs, housing records, movement records, and incident reports;
4. All grievances, appeals, responses, and complaint tracking systems;
5. All emails, texts, internal messages, and electronic communications referencing Mr. Lynch or Ms. Lynch;
6. All surveillance video, body camera footage, booking footage, and transport video;
7. All phone calls, voicemail recordings, and visitation recordings;
8. All metadata, audit trails, and system logs;
9. Any evidence relating to threats, retaliation, or destruction of records;
10. Any evidence relating to FOIA requests and responses.

VI. EQUITY AND JUSTICE REQUIRE THE ORDER

22. Without this Order, Defendants may destroy evidence with impunity, leaving Plaintiff without proof and the Court without

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truth.

23. Preservation imposes minimal burden on Defendants but prevents irreparable harm to Plaintiff.

24. The balance of equities, the public interest, and the integrity of the judicial process all weigh heavily in favor of granting this Motion.

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Enter an immediate Order directing Defendants to preserve all paper, electronic, and physical evidence related to Jason Matthew Lynch and Ms. Lynch;
- B. Prohibit Defendants from deleting, altering, overwriting, or discarding any such evidence;
- C. Require Defendants to suspend all routine destruction or retention-limit policies;
- D. Order Defendants to disseminate a litigation hold notice to all employees, contractors, and agents;
- E. Retain jurisdiction to impose sanctions for any violation of the Order; and
- F. Grant all other relief the Court deems just and proper.

Respectfully submitted,


Jason Matthew Lynch

Reg. No. 07405-510

Plaintiff, Pro Se

Currently incarcerated at:

FCI El Reno, Oklahoma
