

SUBJECT: RE: White County Judicial Recusal & venue Change Pt 2
DATE: 01/02/2026 08:06:03 PM

Below is PART II of the Motion, written as a stand-alone Memorandum of Law to be filed in support of Judicial Disqualification / Recusal and Change of Venue in White County Circuit Court, using all facts, procedural history, and legal authorities tied to Jason Matthew Lynch (Reg. 07405-510) across his state and federal matters.



MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR JUDICIAL DISQUALIFICATION / RECUSAL
AND CHANGE OF VENUE

I. PURPOSE AND SCOPE OF THIS MEMORANDUM

This Memorandum of Law is submitted in support of Jason Matthew Lynch's Motion for Judicial Disqualification or Recusal, and, upon recusal, for consideration and granting of a Change of Venue, in order to preserve the fundamental right to a fair and impartial tribunal, due process of law, and public confidence in the integrity of the judiciary.

This memorandum incorporates and applies all federal and Arkansas authorities previously cited, including those set forth in the December 26, 2025 correspondence by Jason M Lynch, and the prior Motion for Recusal, and further integrates the additional authorities expressly listed herein.

II. CONTROLLING LEGAL PRINCIPLES GOVERNING RECUSAL

A. Judicial Recusal Is Mandatory Where Bias Is Shown or Reasonably Appears

Judicial disqualification does not require proof of actual wrongdoing. It is sufficient that:

> "A reasonable person, knowing all the circumstances, would harbor doubts about the judge's impartiality."
Liteky v. United States, 510 U.S. 540, 555 (1994)

This standard governs both federal and state courts as a matter of constitutional due process and judicial ethics.

III. FEDERAL RECUSAL STATUTES AND THEIR APPLICATION

A. 28 U.S.C. § 144 Personal Bias or Prejudice

Under 28 U.S.C. § 144, once a party files a timely and sufficient affidavit alleging personal bias or prejudice, the judge:

May not assess credibility

Must accept factual allegations as true

May rule only on legal sufficiency

This principle is repeatedly reaffirmed:

In re Martinez-Catala, 129 F.3d 213, 218 (1st Cir. 1997)

U.S. v. Vespe, 868 F.2d 1328, 1340 (3d Cir. 1989)

Davis v. Bd. of Sch. Comm'rs of Mobile City, 577 F.2d 1044, 1051 (5th Cir. 1975)

Here, Mr. Lynch has alleged specific, material, and non-conclusory facts, including:

Documented retaliation tied to protected filings

Extrajudicial influence communicated to the Lynch family

Institutional entanglement between the Court and named defendants

Procedural deviations disadvantaging Mr. Lynch

These allegations exceed the legal sufficiency threshold required under § 144.

B. 28 U.S.C. § 455(a), (b), and (b)(1)

1. § 455(a): Appearance of Partiality

Under § 455(a):

> "Any judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

This provision is self-executing and does not require a motion. It is violated when objective circumstances create doubt.

U.S. v. Kelly, 712 F.2d 884, 890 (1st Cir. 1983)

U.S. v. Barnes, 909 F.2d 1059, 1071 (7th Cir. 1990)

U.S. v. Dodge, 538 F.2d 770, 781 (8th Cir. 1976)

Here, the judge and judicial staff:

Work daily with named defendants

Share institutional space with the jail at issue

Possess personal knowledge of disputed facts

Are implicated by administrative overlap and future discovery

A reasonable observer would unquestionably question impartiality.

2. § 455(b)(1): Actual Bias or Personal Knowledge

Section 455(b)(1) mandates disqualification where a judge has:

Personal bias or prejudice, or

Personal knowledge of disputed evidentiary facts

The U.S. Supreme Court has held that institutional and personal entanglement can render impartiality constitutionally impossible.

Tumey v. Ohio, 273 U.S. 510 (1927)

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)

In *Caperton*, the Court emphasized that probability of bias, not proof of bias, controls.

Here, the probability of bias is exceptionally high, given:

Long-standing professional relationships (15+ years)

Daily contact with defendants

Prior allowance of outside influence

Retaliatory actions already found legally plausible by a federal court

IV. RETALIATION AND RELATED PROCEEDINGS HEIGHTEN THE NEED FOR RECUSAL

Federal courts have recognized that retaliation for protected court activity poisons judicial neutrality.

Hartman v. Moore, 547 U.S. 250 (2006)

Netsphere, Inc. v. Baron, 703 F.3d 296, 315 (5th Cir. 2012)

Patterson v. Mobil Oil Corp., 355 F.3d 476, 484 85 (5th Cir.)

A U.S. District Court in the Eighth Circuit has already found merit sufficient to proceed on retaliation and reprisal claims involving Mr. Lynch and his wife.

When a superior federal court has found retaliation plausibly occurred in connection with court-related conduct, continued adjudication by a court institutionally aligned with the alleged retaliators violates due process.

V. PROCEDURAL IRREGULARITIES AS EVIDENCE OF BIAS

Procedural deviations are relevant evidence of bias:

Ignored motions

Docket manipulation

Out-of-order inmate call procedures

Differential treatment acknowledged by officers themselves

Federal courts recognize such conduct as probative of partiality.

U.S. v. Torres-Estrada, 817 F.3d 376, 380 (1st Cir. 2016)

VI. ARKANSAS CONSTITUTIONAL AND JUDICIAL AUTHORITY

A. Arkansas Constitution

Ark. Const. art. 2, § 8 guarantees due process and a fair tribunal. Arkansas courts have repeatedly held that appearance of bias alone is sufficient to mandate recusal.

B. Arkansas Code of Judicial Conduct

Canon 1 Upholding integrity and independence of the judiciary

Canon 2 Avoiding impropriety and appearance of impropriety

Rule 2.11(A) Mandatory disqualification where impartiality may reasonably be questioned

The facts alleged here directly implicate Rule 2.11(A)(1) (personal bias), (A)(6) (institutional interest), and (A)(2) (personal knowledge).

C. Arkansas Rules of Civil Procedure

Rule 1 Proceedings must be fair and just

Rule 40 Neutral docket control

Rule 78 Orderly administration of proceedings

Violations of these rules reinforce the necessity of recusal.

D. Arkansas Appellate Safeguards

Under Ark. R. App. P. Civ. 2(a)(1), denial of recusal and venue motions creates immediately appealable prejudice, further supporting early corrective action.

VII. CHANGE OF VENUE IS A NECESSARY AND LOGICAL EXTENSION OF RECUSAL

Even if a new judge were assigned within White County, venue would remain tainted because:

Defendants live and work in the county

Judicial staff remain institutionally connected

Witnesses and officials are interrelated

Retaliatory chilling effects persist

Arkansas law favors venue transfer where local influence threatens fairness. A transfer to Pulaski County (Little Rock) or another neutral county is required to restore confidence.

VIII. SUMMARY OF AUTHORITIES RELIED UPON

Federal Statutes

28 U.S.C. § 144

28 U.S.C. § 455(a), (b), (b)(1)

Federal Case Law

In re Martinez-Catala

U.S. v. Vespe

Netsphere, Inc. v. Baron

Davis v. Bd. of Sch. Comm'rs

U.S. v. Kelly

U.S. v. Torres-Estrada

Patterson v. Mobil Oil Corp.

Hartman v. Moore

Tumey v. Ohio

Caperton v. A.T. Massey Coal Co.

U.S. v. Barnes

U.S. v. Dodge

Liteky v. United States

Arkansas Authorities

Ark. Const. art. 2, § 8

Arkansas Code of Judicial Conduct, Canons 1 & 2

Ark. Code Jud. Conduct Rule 2.11(A)

Ark. R. Civ. P. 1, 40, 78

Ark. R. App. P. Civ. 2(a)(1)

IX. CONCLUSION

Given the documented retaliation, institutional entanglement, extrajudicial influence, procedural irregularities, and federal findings of merit, judicial disqualification or recusal is not discretionary it is mandatory. A change of venue is likewise essential to ensure fairness, due process, and the appearance of justice.

J.M. 2
1-5-25