

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

Jason Matthew Lynch, Reg. No. 07405-510
Plaintiff, Pro Se

v.

4:24-cv-00740-LPR-BBM

White County Jail et al.
Defendants

**MEMORANDUM OF LAW IN SUPPORT OF DENYING DEFENDANTS' LATE FILING, STRIKING BOILERPLATE ANSWER,
AND PRESERVING PLAINTIFF'S RIGHT TO RULE 55 DEFAULT**

I. INTRODUCTION

Plaintiff Jason Matthew Lynch respectfully submits this memorandum of law addressing the Defendants' attempt to file an untimely answer and boilerplate response to the Third Amended Complaint ("TAC"). The Court should deny Defendants' motion for leave to file out of time, strike their boilerplate answer, and recognize that their failure to timely plead places them at risk of default under Federal Rule of Civil Procedure 55.

This case has already experienced substantial delay approaching two years, largely attributable to Defendants' litigation conduct. The Federal Rules of Civil Procedure exist to ensure orderly and efficient litigation. Defendants cannot refuse to answer the complaint in good faith and then request additional time after the deadline has expired.

Courts within the Eighth Circuit consistently deny late filings where defendants fail to demonstrate excusable neglect and where delay prejudices the opposing party.

II. GOVERNING LEGAL STANDARDS

A. Federal Rule of Civil Procedure 6(b) Extensions After Deadline

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Federal Rule of Civil Procedure 6(b)(1)(B) permits an extension after a deadline only upon a showing of excusable neglect.

The Supreme Court in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380 (1993), held that courts must evaluate excusable neglect by considering:

1. The danger of prejudice to the opposing party
2. The length of the delay
3. The reason for the delay
4. Whether the movant acted in good faith

However, courts emphasize that the reason for the delay is the most critical factor, and mere inadvertence or workload does not constitute excusable neglect.

III. EIGHTH CIRCUIT AUTHORITY DENYING LATE FILINGS

The Eighth Circuit has repeatedly held that courts may deny extensions when parties fail to demonstrate diligence or provide a credible explanation for delay.

1. *Kurka v. Iowa County, Iowa*, 628 F.3d 953 (8th Cir. 2010)

The Eighth Circuit affirmed denial of an extension where the plaintiff failed to demonstrate good cause or excusable neglect and did not act diligently after discovering procedural errors.

The court emphasized that failure to diligently comply with procedural deadlines justifies denial of relief.

2.. Courts Routinely Reject "Excusable Neglect" Based on Attorney Oversight

Courts applying Rule 6(b) hold that a party seeking a retroactive extension must demonstrate a legally adequate reason for missing the deadline, not mere inconvenience or oversight.

Thus, attorney oversight, administrative error, or litigation strategy does not satisfy the excusable-neglect standard.

IV. DEFENDANTS' MOTION FAILS THE EXCUSABLE NEGLIGENCE TEST

Applying the Pioneer factors demonstrates that Defendants' request should be denied.

A. Plaintiff Will Be Prejudiced

Plaintiff is a federal prisoner litigating pro se with limited access to legal resources. This case has already been delayed nearly two years.

Allowing Defendants to ignore deadlines and file late answers will:

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Delay discovery
Delay identification of John Doe defendants
Delay preservation of evidence
Delay resolution of serious constitutional claims

Courts consistently deny extensions where delay prejudices the opposing party.

B. The Length and Impact of the Delay Is Significant

Defendants allowed the deadline to pass and then sought leave to file after the fact. Federal courts routinely deny such requests when deadlines are ignored without justification.

The orderly administration of justice requires parties to respect procedural deadlines.

C. Defendants Provide No Legitimate Reason for Delay

Defendants' motion provides no legitimate explanation for missing the deadline. Courts routinely reject late filings when the delay is attributable to:

attorney oversight
litigation strategy
administrative error

These reasons do not constitute excusable neglect.

D. Defendants' Conduct Suggests Bad Faith Delay

The Court should also consider the broader context.

Defendants have:

refused to meaningfully answer the complaint
submitted a boilerplate answer denying nearly every allegation
asserted generic affirmative defenses

Such conduct strongly suggests a delay tactic designed to stall discovery and obstruct the litigation process.

V. DEFENDANTS' BOILERPLATE ANSWER VIOLATES RULE 8

Federal Rule of Civil Procedure 8(b) requires defendants to fairly respond to each allegation of the complaint.

Rule 8(c) also requires affirmative defenses to be pleaded with sufficient factual support.

Courts routinely strike boilerplate defenses because they:

fail to provide fair notice

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clutter litigation with irrelevant defenses
delay the progress of the case.

Federal Rule 12(f) authorizes courts to strike insufficient defenses from pleadings.

The Eighth Circuit has recognized that courts may strike legally insufficient pleadings at the pleading stage to preserve judicial resources.

Defendants' answer contains blanket denials and boilerplate affirmative defenses A-Z without factual support.

Such responses do not satisfy Rule 8 pleading requirements.

VI. RULE 55 DEFAULT PRINCIPLES

Under Federal Rule of Civil Procedure 55(a):

> "When a party has failed to plead or otherwise defend the clerk must enter the party's default."

Failure to file a timely answer can place defendants in default.

Courts have repeatedly held that when defendants ignore deadlines and fail to properly plead, default may be appropriate to protect the integrity of the judicial process.

Allowing Defendants to file untimely answers without good cause undermines Rule 55 and encourages parties to ignore court deadlines.

VII. THE COURT SHOULD REQUIRE A FULL ANSWER OR PERMIT TARGETED DISCOVERY

If the Court does not strike the answer outright, Plaintiff respectfully requests an order requiring Defendants to:

1. Fully answer each claim in the Third Amended Complaint
2. Provide non-boilerplate responses
3. Participate in discovery without delay

Alternatively, Plaintiff requests leave to serve Requests for Admission addressing each claim in order to narrow the issues for trial.

VIII. THE INTEREST OF JUSTICE FAVORS DENIAL

Federal courts must ensure litigation proceeds fairly and efficiently..

Allowing Defendants to:

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ignore deadlines
submit boilerplate pleadings
and delay discovery

would significantly prejudice Plaintiff and undermine the Federal Rules of Civil Procedure.

For the foregoing reasons, Plaintiff respectfully requests that this Court:

1. DENY Defendants' motion for leave to file out of time;
2. STRIKE Defendants' boilerplate answer;
3. ORDER Defendants to file a complete and good-faith answer to the Third Amended Complaint;
4. Alternatively, permit Plaintiff to pursue discovery and admissions addressing each claim; and
5. Recognize that Defendants' failure to timely plead places them at risk of default under Rule 55.

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These arguments strengthen my position because federal courts take missed deadlines and evidence control by defendants very seriously.

SUPPLEMENTAL ARGUMENT IN SUPPORT OF DENIAL OF DEFENDANTS' MOTION FOR LEAVE TO FILE OUT OF TIME

Plaintiff Jason Matthew Lynch, appearing pro se, respectfully submits the following additional arguments in support of denying Defendants' Motion for Leave to File Answer Out of Time.

IX. DEFENDANTS' FAILURE TO TIMELY RESPOND TRIGGERS THE RULE 55 DEFAULT FRAMEWORK

Under Federal Rule of Civil Procedure 55, a party who fails to plead or otherwise defend within the time allowed by the Federal Rules may be subject to entry of default.

Fed. R. Civ. P. 55(a) provides:

> "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend the clerk must enter the party's default."

The Rules provide 21 days after service of the summons and complaint for a defendant to file an answer.

See:

Fed. R. Civ. P. 12(a)(1)(A)(i).

Defendants in this case did not comply with this deadline and now seek retroactive permission to cure their failure.

However, courts consistently hold that Rule 6(b) extensions after a deadline has expired are not automatic and require a clear showing of excusable neglect.

See:

Pioneer Investment Services Co. v. Brunswick Associates,
507 U.S. 380 (1993)

The Eighth Circuit has similarly held that courts must consider whether the delay was avoidable through reasonable diligence.

See:

Johnson v. Dayton Electric Manufacturing Co.,
140 F.3d 781 (8th Cir. 1998).

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Here, Defendants' explanation that counsel was unaware of the date of service is not sufficient to overcome their procedural failure.

The executed summons clearly documented the date service was accepted.

Moreover, Defendants are law enforcement officials represented by counsel, and both Defendants and their counsel had the ability and responsibility to determine the service date.

Allowing a late filing under these circumstances undermines the purpose of Rule 55 and the orderly administration of litigation.

X. EVIDENCE PRESERVATION AND THE RISK OF SPOILIATION

Another significant reason the Court should deny further delay is the risk of loss or destruction of evidence.

Nearly all relevant evidence in this case is currently in the exclusive control of the Defendants, including:

- jail communications and electronic messaging records
- incident reports
- internal emails and memoranda
- grievance logs and responses
- surveillance footage
- inmate movement logs
- medical treatment records
- Smart Communications system records

Delay in litigation increases the risk that such evidence may be:

- destroyed through routine retention policies
- overwritten in digital systems
- misplaced or altered

Federal courts have consistently recognized the duty of parties to preserve evidence once litigation is reasonably anticipated.

See:

Zubulake v. UBS Warburg LLC,
220 F.R.D. 212 (S.D.N.Y. 2003)

The duty to preserve arises when a party knows or reasonably should know that evidence may be relevant to anticipated litigation.

See:

Silvestri v. General Motors Corp.,
271 F.3d 583 (4th Cir. 2001).

Spoilation of evidence may justify severe sanctions.

See:

Chambers v. NASCO, Inc.,
501 U.S. 32 (1991)

Federal courts possess inherent authority to impose sanctions when a party destroys evidence relevant to litigation.

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XI. DELAY THREATENS PLAINTIFF'S ABILITY TO IDENTIFY JOHN DOE DEFENDANTS

Plaintiff must still identify additional John Doe defendants involved in the constitutional violations alleged in this case.

Federal courts routinely allow plaintiffs to identify unknown defendants through discovery.

See:

Munz v. Parr,
758 F.2d 1254 (8th Cir. 1985)

However, unnecessary delays threaten Plaintiff's ability to identify and name these individuals before the statute of limitations expires.

Courts recognize that delays which impair a plaintiff's ability to identify responsible parties can constitute serious prejudice.

Allowing Defendants to delay litigation further may effectively prevent Plaintiff from naming responsible individuals before the applicable limitations period expires.

Such prejudice weighs heavily against granting Defendants' request for relief under Rule 6(b).

XII. THE INTEREST OF JUSTICE FAVORS ENFORCING DEADLINES

Federal Rule of Civil Procedure 1 requires courts and parties to ensure:

> "the just, speedy, and inexpensive determination of every action."

Granting extensions based on unsupported claims of excusable neglect encourages disregard for procedural rules and undermines the efficient administration of justice.

Courts have emphasized that litigation deadlines are not mere suggestions.

See:

Link v. Wabash Railroad Co.,
370 U.S. 626 (1962).

Defendants had the ability to determine the service date and respond within the required time.

Their failure to do so should not be rewarded at the expense of a pro se incarcerated plaintiff seeking to vindicate his constitutional rights.

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XIV. DEFENDANTS' CONDUCT REFLECTS A PATTERN OF DELAY IN THIS LITIGATION

Plaintiff respectfully submits that the circumstances surrounding Defendants' late filing should not be viewed in isolation.

Rather, the Court should consider the practical effect of Defendants' litigation conduct on the progression of this case.

This action concerns serious allegations of constitutional violations arising from Plaintiff's incarceration at the White County Detention Center, including claims under 42 U.S.C. §1983 for violations of clearly established federal rights.

Such claims are entitled to careful judicial review and timely resolution.

The Supreme Court has repeatedly emphasized that civil rights actions under §1983 play a critical role in enforcing constitutional protections.

See:

Monroe v. Pape, 365 U.S. 167 (1961)

Owen v. City of Independence, 445 U.S. 622 (1980)

Allowing repeated procedural delays undermines the purpose of these civil rights protections.

XV. DEFENDANTS POSSESS THE MAJORITY OF RELEVANT EVIDENCE

In this case, the overwhelming majority of relevant evidence is currently within the exclusive control of the Defendants and the governmental entities associated with them.

This includes, but is not limited to:

- jail communications records
- inmate movement logs
- surveillance recordings
- grievance records and responses
- internal communications among staff
- medical treatment records
- electronic communications systems used by the jail

Because Plaintiff is incarcerated and proceeding pro se, he cannot independently access this evidence without the discovery process authorized by the Federal Rules of Civil Procedure.

Delays in litigation therefore directly impair Plaintiff's ability to obtain critical evidence.

Courts have recognized that when one party possesses the majority of evidence, delay can significantly prejudice the opposing party.

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See:

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

XVI. DELAYS CREATE A SIGNIFICANT RISK OF EVIDENCE LOSS

Another critical concern is the risk that relevant evidence may be lost over time.

Many institutional records are maintained under limited retention policies, and digital systems frequently overwrite stored information.

The duty to preserve evidence arises when litigation is reasonably anticipated.

See:

Zubulake v. UBS Warburg LLC,
220 F.R.D. 212 (S.D.N.Y. 2003)

Once litigation has begun, parties must take reasonable steps to ensure relevant evidence is preserved.

Failure to preserve evidence can result in sanctions under the Court's inherent authority.

See:

Chambers v. NASCO, Inc.,
501 U.S. 32 (1991)

Allowing unnecessary delay increases the likelihood that relevant evidence could be lost through routine retention policies or system overwrites.

XVII. PLAINTIFF MUST IDENTIFY ADDITIONAL DEFENDANTS BEFORE THE STATUTE OF LIMITATIONS EXPIRES

Plaintiff must still identify and name John Doe defendants involved in the events described in the Complaint.

The Eighth Circuit recognizes that plaintiffs may initially identify defendants as unknown when their identities are unavailable prior to discovery.

See:

Munz v. Parr,
758 F.2d 1254 (8th Cir. 1985)

However, discovery must proceed in a timely manner so that the identities of those individuals can be determined before the statute of limitations expires.

Unnecessary delays caused by Defendants threaten Plaintiff's ability to:

- identify responsible individuals
- amend the complaint
- effect proper service

If discovery is delayed and the statute of limitations expires, Plaintiff could be permanently barred from asserting claims against

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individuals responsible for the constitutional violations alleged in this case.

Such prejudice weighs heavily against granting Defendants' request for relief.

XVIII. THE COURT SHOULD NOT REWARD FAILURE TO FOLLOW PROCEDURAL RULES

The Federal Rules of Civil Procedure exist to ensure fairness and efficiency in litigation.

Rule 6(b) allows extensions only where a party demonstrates good cause and excusable neglect.

Defendants have failed to meet this burden.

The explanation offered that counsel was unaware of the service date is not sufficient to excuse failure to comply with clear procedural deadlines.

Courts have repeatedly emphasized that litigation deadlines must be taken seriously.

See:

Link v. Wabash Railroad Co.,
370 U.S. 626 (1962)

Allowing Defendants to disregard these deadlines without adequate justification would undermine the orderly administration of justice.

For all of the foregoing reasons, Plaintiff respectfully submits that Defendants have failed to demonstrate good cause or excusable neglect under Federal Rule of Civil Procedure 6(b).

The Court should therefore deny Defendants' Motion for Leave to File Answer Out of Time.

Allowing the requested extension would:

- reward procedural neglect
- delay the progression of this civil rights action
- prejudice Plaintiff's ability to obtain evidence
- risk the loss of critical records
- impair Plaintiff's ability to identify additional defendants before the statute of limitations expires

Plaintiff respectfully requests that the Court deny Defendants' motion and allow this case to proceed without further unnecessary delay.

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XX. THE COURT SHOULD CONSIDER STRIKING DEFENDANTS' ANSWER OR ENTERING CONDITIONAL DEFAULT

In addition to denying Defendants' Motion for Leave to File their Answer out of time, Plaintiff respectfully submits that the Court may also consider striking Defendants' Answer or entering conditional default due to their failure to comply with the Federal Rules of Civil Procedure.

Under Federal Rule of Civil Procedure 12(f), a court may strike from a pleading:

> "an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."

Defendants' Answer consists largely of boilerplate denials and an extensive list of generic affirmative defenses that are unsupported by factual allegations.

Courts have repeatedly held that affirmative defenses must be supported by factual allegations sufficient to give the opposing party fair notice.

See:

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

Ashcroft v. Iqbal, 556 U.S. 662 (2009)

Many federal courts have applied the Twombly/Iqbal plausibility standard to affirmative defenses.

See:

Barnes v. AT&T Pension Benefit Plan,
718 F. Supp. 2d 1167 (N.D. Cal. 2010)

Hayne v. Green Ford Sales, Inc.,
263 F.R.D. 647 (D. Kan. 2009)

Where affirmative defenses are merely boilerplate recitations without supporting facts, courts routinely strike them.

See:

Lane v. Page,
272 F.R.D. 581 (D.N.M. 2011)

Because Defendants' Answer contains numerous unsupported affirmative defenses asserted without factual support, the Court has authority under Rule 12(f) to strike those defenses.

XXI. RULE 55 PERMITS ENTRY OF DEFAULT WHEN A PARTY FAILS TO TIMELY RESPOND

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Federal Rule of Civil Procedure 55(a) provides:

> "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend the clerk must enter the party's default."

Defendants failed to file a timely Answer within the period required by Federal Rule of Civil Procedure 12(a)(1)(A).

While courts prefer resolving cases on their merits, the Eighth Circuit has recognized that default procedures remain appropriate where parties fail to comply with procedural rules.

See:

Johnson v. Dayton Electric Manufacturing Co.,
140 F.3d 781 (8th Cir. 1998)

Courts must balance the policy favoring decisions on the merits with the need to enforce procedural rules and maintain orderly litigation.

See:

Ackra Direct Marketing Corp. v.. Fingerhut Corp.,
86 F.3d 852 (8th Cir. 1996)

XXII. CONDITIONAL DEFAULT IS AN AVAILABLE REMEDY

Federal courts possess broad discretion to impose procedural remedies where parties fail to comply with deadlines.

This includes the ability to enter conditional default, which allows the case to proceed while ensuring compliance with court orders.

Courts may impose such remedies under:

Rule 55
Rule 16(f) (sanctions for failure to comply with scheduling or pretrial orders)
the Court's inherent authority to manage its docket

See:

Chambers v. NASCO, Inc.,
501 U.S. 32 (1991)

Conditional default may be appropriate where a party demonstrates disregard for procedural obligations.

XXIII. DEFENDANTS SHOULD NOT BENEFIT FROM THEIR OWN FAILURE TO COMPLY WITH PROCEDURAL RULES

Allowing Defendants to file an untimely Answer without consequence would reward their failure to comply with procedural deadlines.

Courts have emphasized that litigants must exercise diligence in protecting their rights.

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See:

Pioneer Investment Services Co. v. Brunswick Associates,
507 U.S. 380 (1993)

Here, Defendants have not demonstrated diligence.

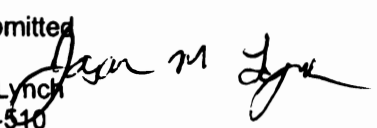
Their explanation that counsel did not know the date of service is insufficient, particularly where the executed summons clearly documented that information.

XXIV. REQUEST FOR RELIEF

For the reasons stated throughout this brief, Plaintiff respectfully requests that the Court:

1. DENY Defendants' Motion for Leave to File Answer Out of Time
2. Consider striking Defendants' untimely Answer under Rule 12(f)
3. Alternatively consider entry of conditional default under Rule 55
4. Allow the case to proceed promptly so that discovery may begin and additional defendants may be identified before the statute of limitations expires
5. Grant any other relief the Court deems just and proper.

Respectfully submitted


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Plaintiff, Pro Se

1. Introduction
2. Rule 6(b) law
3. Lack of excusable neglect

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4. Delay harms discovery
5. Evidence preservation risk
6. John Doe statute of limitations issue
7. Pattern of delay
8. Rule 55 default framework
9. Rule 12(f) motion to strike defenses
10. Conditional default argument