

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Joseph Howard Ortkiese v. Charlie Schaerer, et al.

Case No. 1:26-cv-63 · No. 1:26-cv-63 · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee considers Plaintiff Joseph Howard Ortkiese’s motions for injunctive relief and to enter newly discovered evidence in a dispute involving ownership interests in real property in Guild, Tennessee. The court grants the motion to enter newly discovered evidence but denies both motions for injunctive relief, concluding that Plaintiff failed to demonstrate a likelihood of success on the merits, including because of pleading deficiencies, potential statute-of-limitations issues, and the absence of adequately alleged state action.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Charles E. Atchley, Jr.
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	May 12, 2026
DOCKET	1:26-cv-63
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for injunctive relief and to enter newly discovered evidence in a pro se action under 42 U.S.C. § 1983 concerning alleged deprivation of an interest in real property. The district court construed the two injunctive-relief motions as motions for preliminary injunctions, granted the motion to enter newly discovered evidence, and denied both motions for injunctive relief.
STANDARD OF REVIEW	Preliminary-injunction motions are evaluated under four interrelated factors: likelihood of success on the merits, irreparable harm, harm to others, and the public interest. The moving party bears the burden of demonstrating entitlement to injunctive relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Joseph Howard Ortkiese v. Charlie Schaerer, Connie Schaerer, Dam Marina, Inc., Philip McElhaney, Kassie McElhaney, Marion County,

TOPICS

injunctions section 1983 statute of limitations civil procedure real estate

PRACTICE AREAS

civil procedure civil rights real estate constitutional law remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's motions seeking injunctive relief should be construed as motions for preliminary injunctions.
2. Whether Plaintiff was entitled to preliminary injunctive relief based on the likelihood-of-success, irreparable-harm, balance-of-harms, and public-interest factors.
3. Whether the court should permit Plaintiff to submit newly discovered evidence for consideration in deciding the preliminary-injunction motions.

HOLDINGS

1. Because Plaintiff sought injunctive relief and had provided notice to the defendants, the court construed his motions as motions for preliminary injunctions.
2. The motion to enter newly discovered evidence was granted, and the court considered the evidence in connection with the preliminary-injunction motions.
3. Plaintiff was not entitled to preliminary injunctive relief because he failed to demonstrate a likelihood of success on the merits, and the remaining preliminary-injunction factors did not support relief.

KEY QUOTATIONS

“Preliminary injunctions are “extraordinary and drastic remed[ies]” and are “never awarded as of right.””

“Although no one factor is controlling, a finding that there is simply no likelihood of success on the merits is usually fatal.” (22-23)

FACTUAL BACKGROUND

Plaintiff claimed a legal interest in a five-acre parcel of land in Guild, Tennessee, and alleged that private parties and local governmental defendants had improperly affected his property interests through easement-related conduct, land sales, and a delinquent tax sale. He alleged that the underlying conduct began in or around 2001, with a portion of the property allegedly sold or repossessed in 2005. Plaintiff brought a pro se § 1983 action and sought to prevent further alleged destruction of or falsification concerning the property.

PROCEDURAL HISTORY

Plaintiff filed the action in the Middle District of Tennessee on August 29, 2025, and filed an amended complaint on September 29, 2025. The case was transferred to the Eastern District of Tennessee on March 10, 2026. Plaintiff then filed motions seeking injunctive relief and to include newly discovered evidence in the record.

DISPOSITION

other

CASES CITED

- DG Smoky, LLC v. Aunt Bug's Cabin Rentals, LLC, No. 3:24-CV-364-TAV-JEM, 2024 U.S. Dist. LEXIS 207969, at *20 (E.D. Tenn. Oct. 4, 2024)
- Workman v. Bredesen, 486 F.3d 896, 904-05 (6th Cir. 2007)
- Memphis A. Phillip Randolph Inst. v. Hargett, 485 F. Supp. 3d 1003, 1008 n.5 (M.D. Tenn. Sept. 28, 2020)
- Overstreet v. Lexington-Fayette Urban Cty. Gov't, 305 F.3d 566, 573 (6th Cir. 2002)
- Leary v. Daeschner, 228 F.3d 729, 736 (6th Cir. 2000)
- Winter v. Natural Resources Defense Council, Inc., 129 S. Ct. 365, 374 (2008)
- Munaf v. Green, 553 U.S. 674, 690-91 (2008)
- N.E. Ohio Coal. for Homeless & Serv. Emps. Int'l Union v. Blackwell, 467 F.3d 999, 1009 (6th Cir. 2006)
- Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog, 945 F.2d 150, 153 (6th Cir. 1991)
- Detroit Will Breathe v. City of Detroit, 484 F. Supp. 3d 511, 516 (E.D. Mich. Sept. 4, 2020)
- Obama for America v. Husted, 697 F.3d 423, 436 (6th Cir. 2012)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty., 415 U.S. 423, 442-43 (1974)
- Rodriguez v. United States, No. 1:14-CV-02526, 2015 U.S. Dist. LEXIS 96092, at *4 (N.D. Ohio July 23, 2015)
- Poupore v. Helfert, No. 2:25-cv-95, 2025 U.S. Dist. LEXIS 232731, at *5-6 (W.D. Mich. Nov. 26, 2025)
- Wallace v. Kato, 549 U.S. 384, 387 (2007)
- Powers v. Wallen, No. 3:12-CV-96, 2013 U.S. Dist. LEXIS 45212, at *7 (E.D. Tenn. Mar. 29, 2013)
- Eidson v. Tenn. Dep't of Children's Servs., 510 F.3d 631, 635 (6th Cir. 2007)
- West v. Atkins, 487 U.S. 42, 49 (1988)
- O'Toole v. O'Connor, No. 2:15-cv-1446, 2015 U.S. Dist. LEXIS 71850, at *4 (S.D. Ohio June 3, 2025)
- Gonzales v. Nat'l Bd. of Med. Examiners, 225 F.3d 620, 625 (6th Cir. 2000)