

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Kevin Peterkin and Jasmine Hylton v. David McIntyre et al.

Peterkin · No. Civil Action No. 25-02137 (GC) (JBD) · Decided November 26, 2025

SUMMARY

The United States District Court for the District of New Jersey denied pro se plaintiffs Kevin Peterkin and Jasmine Hylton’s motion for a temporary restraining order and preliminary injunction concerning personal property stored after an alleged eviction. The court held that it could not enjoin nonparty Extra Space Storage and that the plaintiffs had not shown a likelihood of success on the merits.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Georgette Castner
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	November 26, 2025
DOCKET	Civil Action No. 25-02137 (GC) (JBD)
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs moved for a temporary restraining order and preliminary injunction under Federal Rule of Civil Procedure 65 concerning personal property held in a storage unit after an alleged eviction.
STANDARD OF REVIEW	A party seeking a TRO or preliminary injunction must establish a reasonable likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities tips in its favor, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	Unpublished, not for publication; precedential status unknown.
PARTIES	Kevin Peterkin, Jasmine Hylton v. David McIntyre, et al.

TOPICS

- injunctions
- civil procedure
- landlord tenant
- eviction
- remedies

PRACTICE AREAS

- civil procedure
- injunctive relief
- landlord-tenant law
- real estate

QUESTIONS PRESENTED

1. Whether the court could issue a TRO or preliminary injunction directly against Extra Space Storage, a nonparty to the action.
2. Whether plaintiffs established the prerequisites for preliminary injunctive relief, including a likelihood of success on the merits.

HOLDINGS

1. The court could not impose the requested injunction directly against Extra Space Storage because it was not a party to the action and had not appeared to have its rights adjudicated.
2. Plaintiffs were not entitled to a TRO or preliminary injunction because they failed to show a likelihood of success on the merits of the underlying claims.

KEY QUOTATIONS

“An injunction is a drastic and extraordinary remedy, which should not be granted as a matter of course.”
(*3)

“As a general matter, a court may not enjoin a non-party that has not appeared before it to have its rights legally adjudicated.” (*32)

“The standard for a preliminary injunction and a TRO is the same.” (133)

FACTUAL BACKGROUND

Plaintiffs' personal property was allegedly placed in an Extra Space Storage unit following their eviction. Plaintiffs asserted that a mouse infestation was continuously damaging the property and that Extra Space Storage might conduct a lien sale, potentially destroying evidence. They sought to enjoin the storage company from selling, disposing of, altering, or disturbing the property and to compel access and pest-control treatment.

PROCEDURAL HISTORY

Plaintiffs filed an eleven-count amended complaint asserting federal and state claims arising from an allegedly unlawful eviction. They then sought emergency injunctive relief requiring nonparty Extra Space Storage to preserve the contents of their storage unit, provide supervised access, and obtain pest-control treatment. The court denied the motion and directed the Clerk's Office to terminate it.

DISPOSITION

denied

CASES CITED

- Reilly v. City of Harrisburg, 858 F.3d 173, 176 (3d Cir. 2017)
- HR Staffing Consultants, LLC v. Butts, Civ. No. 15-3155, 2015 WL 3492609, at *7 (D.N.J. June 2, 2015)
- Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)

- Barnes v. Edwards, Civ. No. 13-4239, 2014 WL 3953189, at *3 (D.N.J. Aug. 13, 2014)
- Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139, 165 (2010)
- NovaSeptum AB v. Amesil, Inc., Civ. No. 05-5175, 2010 WL 5620906, at *3 (D.N.J. Dec. 29, 2010)
- Cordero v. Emrich, Civ. No. 20-5654, 2025 WL 1747068, at *2 (D.N.J. Mar. 6, 2025)
- Kramer v. City of New Kensington, Civ. No. 13-606, 2014 WL 5464848, at *3 (W.D. Pa. Oct. 27, 2014)
- Sczesny v. New Jersey, Civ. No. 22-2314, 2022 WL 2047135, at *16 (D.N.J. June 7, 2022)
- Goddard Sys., Inc. v. Gondal, Civ. No. 17-1003, 2018 WL 1566570, at *32 (D. Del. Mar. 29, 2018)
- Additive Controls & Measurement Sys., Inc. v. Flowdata, Inc., 96 F.3d 1390, 1395 (Fed. Cir. 1996)
- Sebel Int'l Ltd. v. Actavis Lab'ys FL, Inc., Civ. No. 17-4789, 2017 WL 4782807, at *2 (D.N.J. Oct. 20, 2017)
- McGillvary v. Long, Civ. No. 24-9507, 2025 WL 490542, at *3 (D.N.J. Feb. 13, 2025)
- Scutella v. Erie Cnty. Prison, Civ. No. 23-00116, 2023 WL 8935252, at *2 (W.D. Pa. Dec. 1, 2023)
- Thomas v. Blocker, 799 F. App'x 131, 133 (3d Cir. 2020)
- Mirashi v. Doe, Civ. No. 25-1805, 2025 WL 893003, at *3 (D.N.J. Mar. 21, 2025)

OPINION

PETERKIN

PER CURIAM.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

KEVIN PETERKIN and JASMINE HYLTON,

Plaintiffs, Civil Action No. 25-02137 (GC) (JBD) v.

MEMORANDUM ORDER

DAVID MCINTYRE et al., Defendants. CASTNER, District Judge THIS MATTER comes before the Court upon pro se Plaintiffs Kevin Peterkin and Jasmine Hylton's Motion for a Temporary Restraining Order (TRO) and Preliminary Injunction pursuant to Federal Rule of Civil Procedure (Rule) 65. (ECF No. 47.) The Court has carefully reviewed Plaintiffs' submissions and decides the matter without oral argument pursuant to Rule 78(b) and Local Civil Rule 78.1(b); and WHEREAS Plaintiffs' eleven-count Amended Complaint asserts various federal and state law claims arising from an allegedly unlawful eviction.¹ (ECF No. 9); and WHEREAS Plaintiffs now seek injunctive relief related to the storage of their personal property. (See generally ECF No. 47.) Plaintiffs' property appears to have been placed in a storage unit at "Extra Space Storage" following Plaintiffs' eviction. (See ECF No. 47-7 at 11. 2) Plaintiffs argue that a mouse infestation in the storage unit "is actively and continuously destroying 1 The Court has jurisdiction under 28 U.S.C. § 1331. 2 Page numbers for record cites (i.e., "ECF Nos.") refer to the page numbers stamped by the Court's e-filing system and not the internal pagination of the parties. Plaintiffs' property" and that "Extra Space Storage could initiate a lien sale of Plaintiffs' property at any

moment, resulting in the permanent and irreversible loss of critical evidence in this case.” (ECF No. 47 at 11.) Plaintiffs seek an order enjoining Extra Space Storage from “selling, disposing of, altering, or disturbing the contents of [Plaintiffs’] storage unit.” (Id. at 18.) Plaintiffs also seek to compel Extra Space Storage to “provide Plaintiffs with supervised access to the unit” and to “commence professional pest control treatment of the unit.” (Id. at 19); and WHEREAS a plaintiff seeking a TRO or preliminary injunction must establish that (1) he is reasonably likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3rd Cir. 2017); see also *HR Staffing Consultants, LLC v. Butts*, Civ. No. 15-3155, 2015 WL 3492609, *7 (D.N.J. June 2, 2015) (quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)); and WHEREAS “[a]n injunction is a drastic and extraordinary remedy, which should not be granted as a matter of course.” *Barnes v. Edwards*, Civ. No. 13-4239, 2014 WL 3953189, at *3 (D.N.J. Aug. 13, 2014) (quoting *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 165 (2010)); and WHEREAS the Court is unpersuaded it has the authority to impose an injunction against Extra Space Storage, as it is not a party to this action. See *NovaSeptum AB v. Amesil, Inc.*, Civ. No. 05-5175, 2010 WL 5620906, at *3 (D.N.J. Dec. 29, 2010) (“As a general matter, a court may not enjoin a non-party that has not appeared before it to have its rights legally adjudicated.”); *Cordero v. Emrich*, Civ. No. 20-5654, 2025 WL 1747068, at *2 (D.N.J. Mar. 6, 2025) (“[A] court has no power to issue a preliminary injunction against a non-party.”); *Kramer v. City of New Kensington*, Civ. No. 13-606, 2014 WL 5464848, at *3 (W.D. Pa. Oct. 27, 2014) (“The general rule is that a court may not enter an injunction against a person who has not been made a party to the case before it.”) (citation modified); *Sczesny v. New Jersey*, Civ. No. 22-2314, 2022 WL 2047135, at *16 (D.N.J. June 7, 2022) (“The Court will not issue a TRO or preliminary injunction to a non-party”); and WHEREAS Plaintiffs rely on Rule 65(d)(2)(C) for the proposition that the Court may properly enjoin Extra Space Storage because it is “in active concert or participation” with Defendant David McIntyre, Plaintiffs’ former landlord. (See ECF No. 47 at 18.) But courts have rejected this interpretation of Rule 65(d)(2)(C), instead holding that the Rule allows non-parties who assist a party in violating an injunction to be held in contempt. See *Goddard Sys., Inc. v. Gondal*, Civ. No. 17-1003, 2018 WL 1566570, at *32 (D. Del. Mar. 29, 2018) (“[E]ven had the [c]ourt determined to enjoin [the d]efendants pursuant to the instant motion, it would not have been permitted to now have enjoined non-party [i]ntervenors from doing anything. At most, were [the non-parties] to have engaged in future ‘active concert and participation’ with [the d]efendants that violated any of the terms of any issued injunction, then [i]ntervenors could then have been subject to a contempt proceeding and, ultimately, a contempt finding.”); *Kramer*, 2014 WL 5464848, at *3 (“To the extent that [the plaintiff] seeks to enjoin non-parties in this litigation, a non-party cannot be bound by the terms of an injunction unless the non-party is found to be acting in active concert or participation with the party against whom injunctive relief is sought.” (citation modified) (emphasis added); see also *Additive Controls &*

Measurement Sys., Inc. v. Flowdata, Inc., 96 F.3d 1390, 1395 (Fed. Cir. 1996) (“[T]hose who act in concert with an enjoined party may be held in contempt, but only for assisting the enjoined party in violating the injunction.”); and WHEREAS Plaintiffs also fail to meet their burden to show they are likely to succeed on the merits of their claims. See Sebela Int’l Ltd. v. Actavis Lab’ys FL, Inc., Civ. No. 17-4789, 2017 WL 4782807, at *2 (D.N.J. Oct. 20, 2017) (“[T]he party seeking a preliminary injunction bears the burden of establishing its entitlement to such extraordinary relief.”). In their brief, Plaintiffs argue that non-party Extra Space Storage’s “conduct demonstrates a pattern of bad faith that violates their own corporate governance standards.” (ECF No. 47 at 7.) But Plaintiffs make no arguments with respect to their likelihood of success on their underlying claims in this case. See McGillvary v. Long, Civ. No. 24-9507, 2025 WL 490542, at *3 (D.N.J. Feb. 13, 2025) (denying request for injunctive relief where the plaintiff “fail[ed] to establish that he will successfully prevail on the underlying claims that he advances in this lawsuit”); Scutella v. Erie Cnty. Prison, Civ. No. 23-00116, 2023 WL 8935252, at *2 (W.D. Pa. Dec. 1, 2023), report and recommendation adopted, Civ. No. 23-116, 2023 WL 8934880 (W.D. Pa. Dec. 27, 2023) (denying motion for injunctive relief where the plaintiff’s motion provided “no support for a finding that he [was] likely to succeed on the merits of the claims asserted in this action”); and WHEREAS “[a] failure to show a likelihood of success . . . must necessarily result in the denial of a preliminary injunction.” Thomas v. Blocker, 799 F. App’x 131, 133 (3d Cir. 2020)3; and for other good cause shown; IT IS on this 26th day of November, 2025 ORDERED as follows:

1. Plaintiffs’ Motion for a TRO and Preliminary Injunction (ECF No. 47) is DENIED.

- 3 “The standard for a preliminary injunction and a TRO is the same.” Mirashi v. Doe, Civ. No. 251805, 2025 WL 893003, at *3 (D.N.J. Mar. 21, 2025).

2. The Clerk’s Office is directed to TERMINATE the Motion pending at ECF No.

47. Goagth Chatren

GEORGETTE CASTNER

UNITED STATES DISTRICT JUDGE