

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PRECEDENTIAL VALUE	Unpublished, not for publication; precedential status unknown.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)