

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

Stephen Jerome Scott v. Commissioner John Q. Hamm, et al.

Scott · No. 2:26-CV-352-WKW · Decided May 7, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied Stephen Jerome Scott’s motion for an emergency injunction in his 42 U.S.C. § 1983 action. The court construed the motion as seeking a temporary restraining order or, alternatively, a preliminary injunction, and concluded that Scott failed to satisfy the applicable procedural and substantive requirements.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	May 7, 2026
DOCKET	2:26-CV-352-WKW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, an incarcerated person proceeding under 42 U.S.C. § 1983, moved for an emergency injunction. The court construed the motion as seeking either a temporary restraining order or a preliminary injunction and denied it.
STANDARD OF REVIEW	A temporary restraining order and a preliminary injunction require the movant to satisfy specified equitable prerequisites. The decision whether to grant a preliminary injunction is reviewed under the district court's discretionary standard, although this opinion addresses the motion in the first instance.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; nonprecedential.
PARTIES	Stephen Jerome Scott v. Commissioner John Q. Hamm, et al.

TOPICS

- injunctions
- section 1983
- prisoners rights
- civil procedure
- equitable relief

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Equitable remedies

QUESTIONS PRESENTED

1. Whether Scott was entitled to a temporary restraining order under Federal Rule of Civil Procedure 65(b) (1).
2. Whether Scott was entitled to a preliminary injunction based on the four equitable prerequisites governing such relief.

HOLDINGS

1. A temporary restraining order could not issue because Scott neither made the written certification required by Rule 65(b)(1)(B) nor showed that he would suffer immediate and irreparable injury before the defendants could be heard.
2. Scott was not entitled to a preliminary injunction because he failed to demonstrate the required substantial likelihood of success on the merits, irreparable injury, favorable balance of harms, and consistency with the public interest.

KEY QUOTATIONS

“A temporary restraining order is appropriate only where the moving party demonstrates (1) that there is a substantial likelihood of success on the merits, (2) that the temporary restraining order is necessary to prevent irreparable injury, (3) that the threatened injury outweighs the harm the temporary restraining order would cause to the nonmoving party, and (4) that the temporary restraining order would not be adverse to the public interest.” (B)

“The court may grant a preliminary injunction only if Plaintiff demonstrates each of the following prerequisites: (1) a substantial likelihood of success on the merits of the complaint; (2) irreparable injury will occur absent issuance of the injunction; (3) the threatened injury outweighs the potential damage the requested injunction may cause the nonmoving parties; and (4) the injunction would not be adverse to the public interest.” (C)

FACTUAL BACKGROUND

Scott was an inmate in the custody of the Alabama Department of Corrections. His principal complaint concerned legal-mail processes at Bullock Correctional Facility. He asserted, without supporting detail, that his § 1983 action was likely to succeed and lead to a permanent injunction, but did not allege a threat to his health or safety or otherwise establish immediate and irreparable injury.

PROCEDURAL HISTORY

Scott initiated this § 1983 action by filing a complaint, an application to proceed in forma pauperis, and a motion for an emergency injunction. The district court denied the emergency-injunction motion under both the requirements for a temporary restraining order and the requirements for a preliminary injunction.

DISPOSITION

other

CASES CITED

- Parker v. State Bd. of Pardons & Paroles, 275 F.3d 1032, 1034–35 (11th Cir. 2001) (per curiam)
- Palmer v. Braun, 287 F.3d 1325, 1329 (11th Cir. 2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION STEPHEN JEROME SCOTT,) AIS # 284406,)) Plaintiff,)) v.) CASE
NO. 2:26-CV-352-WKW) [WO] COMMISSIONER JOHN Q. HAMM,) et al.,)) Defendants.)
MEMORANDUM OPINION AND ORDER A. Introduction Plaintiff Stephen Jerome Scott, an
inmate in the custody of the Alabama Department of Corrections (ADOC), initiated this 42 U.S.C.
§ 1983 action by filing a complaint (Doc. # 1), an application for leave to proceed in forma
pauperis (Doc. # 2), and a Motion (Request) for an Emergency Injunction (Doc. # 3).

Plaintiff's Motion (Request) for an Emergency Injunction will be analyzed as a motion for a
temporary restraining order, or alternatively, as a motion for a preliminary injunction. Whether
construed as a motion for a temporary restraining order or a motion for a preliminary injunction,
the motion will be denied. B. Motion for a Temporary Restraining Order A temporary restraining
order is appropriate only where the moving party demonstrates (1) that there is a substantial
likelihood of success on the merits, (2) that the temporary restraining order is necessary to prevent
irreparable injury, (3) that the threatened injury outweighs the harm the temporary restraining
order would cause to the nonmoving party, and (4) that the temporary restraining order would not
be adverse to the public interest.

See Parker v. State Bd. of Pardons & Paroles, 275 F.3d 1032, 1034–35 (11th Cir. 2001) (per
curiam). Additionally, pursuant to Rule 65 of the Federal Rules of Civil Procedure, a temporary
restraining order may issue without notice to the nonmoving party only if (1) specific facts in an
affidavit or verified complaint show that the moving party will suffer immediate and irreparable
injury before the adverse party can be heard, and (2) the moving party certifies in writing the
efforts he has made to notify the nonmoving party and the reasons notice should not be required.

Fed. R. Civ. P. 65 (b)(1). Plaintiff has not made the certification required by Rule 65(b)(1)(B).
Plaintiff also has not shown at this stage that he will suffer immediate and irreparable injury before
the adverse parties can be heard.

Because the motion for a temporary restraining order does not survive Rule 65(b)(1) scrutiny, it is
not necessary to analyze the Parker elements. C. Motion for a Preliminary Injunction The decision

whether to grant a preliminary injunction is within the sound discretion of the court. See *Palmer v. Braun*, 287 F.3d 1325, 1329 (11th Cir. 2002).

The court may grant a preliminary injunction only if Plaintiff demonstrates each of the following prerequisites: (1) a substantial likelihood of success on the merits of the complaint; (2) irreparable injury will occur absent issuance of the injunction; (3) the threatened injury outweighs the potential damage the requested injunction may cause the nonmoving parties; and (4) the injunction would not be adverse to the public interest.

See *id.* Plaintiff has not met his burden of demonstrating the four prerequisites for a preliminary injunction. Plaintiff's conclusory statement that his "§ 1983 civil action is likely to succeed and lead to a permanent injunction" is insufficient to demonstrate a substantial likelihood—or any likelihood—of success on the merits of his complaint.

Moreover, Plaintiff has not shown that irreparable injury will occur without an injunction. He has not alleged any threat to his health or safety; rather, his chief complaint concerns legal mail processes at Bullock Correctional Facility. Furthermore, Plaintiff has not demonstrated that any threatened injury outweighs the potential harm to the nonmoving parties, and it is uncertain whether granting Plaintiff's requested injunction would align with the public interest.

D. Conclusion Based on the foregoing, it is ORDERED that Plaintiff's Motion (Request) for an Emergency Injunction (Doc. # 3), whether construed as a motion for a temporary restraining order or a preliminary injunction, is DENIED. DONE this 7th day of May, 2026. /s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE