

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Theodore Simpson v. Ann E. Loricchioandola, et al.

Simpson · No. 9:25-CV-0545 (GTS/TWD) · Decided December 29, 2025

SUMMARY

The United States District Court for the Northern District of New York denied without prejudice Theodore Simpson's motion for a preliminary injunction in his pro se 42 U.S.C. § 1983 action. The court held that Simpson had not submitted admissible evidence, had shown only past and speculative future harm, sought an impermissibly vague “obey the law” injunction, and sought relief against nonparties. The underlying surviving claims concern alleged First Amendment retaliation and Eighth Amendment medical indifference.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Glenn T. Suddaby
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	December 29, 2025
DOCKET	9:25-CV-0545 (GTS/TWD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a preliminary injunction in a prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	A preliminary injunction generally requires irreparable harm and either a likelihood of success on the merits or sufficiently serious questions going to the merits with the balance of hardships tipping decidedly toward the movant. A mandatory injunction altering the status quo requires a clear or substantial showing of entitlement to relief or that extreme or very serious damage will result from denial. The district court has broad discretion in deciding whether to grant preliminary injunctive relief.
PRECEDENTIAL VALUE	unpublished district court decision

TOPICS

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

PRACTICE AREAS

civil rights

prisoner litigation

injunctive relief

QUESTIONS PRESENTED

1. Whether Simpson demonstrated entitlement to a preliminary or mandatory injunction based on his allegations concerning interference with medical treatment.
2. Whether past harm and speculative future injury established the irreparable-harm requirement.
3. Whether an injunction directing officials not to interfere with medical care was an impermissible vague command to obey the law.
4. Whether the court could enjoin nonparty officials who allegedly interfered with Simpson's medication.

HOLDINGS

1. Simpson was not entitled to a preliminary injunction because he failed to provide admissible evidence supporting his allegations and failed to satisfy the requirements for preliminary relief.
2. Past harm and speculative, remote, or future injury are insufficient to establish irreparable harm; the plaintiff must show an injury that is actual and imminent and cannot be remedied by waiting for trial.
3. An injunction directing officials merely not to interfere with lawful medical care is disfavored when it is vague, imposes no obligation beyond existing law, and is not readily enforceable.
4. A court may enjoin nonparties only under the limited circumstances identified in Federal Rule of Civil Procedure 65(d)(2), and it may not issue an injunction over a person over whom it lacks personal jurisdiction.

KEY QUOTATIONS

"A mandatory preliminary injunction "should issue only upon a clear showing that the moving party is entitled to the relief requested, or where extreme or very serious damage will result from a denial of preliminary relief." (at 3)

"Rather, a plaintiff seeking to satisfy the irreparable harm requirement must demonstrate that "absent a preliminary injunction [he or she] will suffer an injury that is neither remote nor speculative, but actual and imminent, and one that cannot be remedied if a court waits until the end of trial to resolve the harm." (at 4)

"Obey the law" injunctions are vague, do not require a defendant to do anything more than that already imposed by law, subject the defendant to contempt rather than statutorily prescribed sanctions, and are not readily capable of enforcement." (at 5-6)

FACTUAL BACKGROUND

Simpson, an incarcerated plaintiff receiving medical and medication-assisted treatment for chronic pain, alleged that a trainee nurse falsified information, causing a nonparty physician assistant to abruptly stop his medication without his consent. He also alleged that the nonparty official had stopped his medication and threatened him in

the past. He sought an order directing all staff at Eastern Correctional Facility not to interrupt his medical care or medication-assisted treatment.

PROCEDURAL HISTORY

Simpson filed a pro se § 1983 complaint and an application to proceed in forma pauperis. The court granted IFP status, dismissed some claims without prejudice, and allowed certain First Amendment retaliation and Eighth Amendment medical-indifference claims to proceed after screening the original and amended complaints. Simpson then moved for injunctive relief concerning interference with his medical care and medication; defendants opposed the motion.

DISPOSITION

other

CASES CITED

- Otoe-Missouria Tribe of Indians v. New York State Department of Financial Services, 769 F.3d 105, 110 (2d Cir. 2014)
- Lynch v. City of New York, 589 F.3d 94, 98 (2d Cir. 2009)
- Cacchillo v. Insmed, Inc., 638 F.3d 401, 406 (2d Cir. 2011)
- Citigroup Global Markets, Inc. v. VCG Special Opportunities Master Fund Ltd., 598 F.3d 30, 35 n.4 (2d Cir. 2010)
- Tom Doherty Associates, Inc. v. Saban Entertainment, Inc., 60 F.3d 27, 33-34 (2d Cir. 1995)
- Local 1814, International Longshoremen's Association, AFL-CIO v. New York Shipping Association, Inc., 965 F.2d 1224, 1228 (2d Cir. 1992)
- Moore v. Consolidated Edison Co. of New York, Inc., 409 F.3d 506, 511 (2d Cir. 2005)
- Fisher v. Goord, 981 F. Supp. 140, 167-68 (W.D.N.Y. 1997)
- Farmer v. Brennan, 511 U.S. 825, 846-47 (1994)
- Hancock v. Essential Resources, Inc., 792 F. Supp. 924, 928 (S.D.N.Y. 1992)
- Ivy Mar Co. v. C.R. Seasons Ltd., 907 F. Supp. 547, 561 (E.D.N.Y. 1995)
- Fox v. Anthony, 2010 WL 3338549, at *2 (N.D.N.Y. July 15, 2010)
- Groves v. Davis, 2012 WL 651919, at *8 (N.D.N.Y. Feb. 28, 2012)
- Los Angeles v. Lyons, 461 U.S. 95, 111-12 (1983)
- Kamerling v. Massanari, 295 F.3d 206, 214 (2d Cir. 2002)
- Bisnews AFE (Thailand), 437 F. App'x 57, 58 (2d Cir. 2011)
- Faiveley Transport Malmo AB v. Wabtec Corp., 559 F.3d 110, 118 (2d Cir. 2009)
- Garcia v. Arevalo, 1994 WL 383238, at *2 (S.D.N.Y. June 27, 1994)
- Haden v. Hellinger, 2016 WL 589703, at *1 (N.D.N.Y. Feb. 11, 2016)
- Agostini v. Backus, 2015 WL 1579324, at *3 (W.D.N.Y. Apr. 9, 2015)
- Ward v. LeClaire, 2007 WL 1532067, at *2 (N.D.N.Y. May 24, 2007)

- *N.L.R.B. v. Express Publishing Co.*, 312 U.S. 426, 435-36 (1941)
- *Rowe v. New York State Division of Budget*, 2012 WL 4092856, at *7 (N.D.N.Y. Sept. 17, 2012)
- *New York v. Shinnecock Indian Nation*, 560 F. Supp. 2d 186, 189 (E.D.N.Y. 2008)
- *S.C. Johnson & Son, Inc. v. Clorox Co.*, 241 F.3d 232, 240 (2d Cir. 2001)
- *Peregrine Myanmar Ltd. v. Segal*, 89 F.3d 41, 51 (2d Cir. 1996)
- *Doctor's Associates, Inc. v. Reinert & Duree, P.C.*, 191 F.3d 297, 302-03 (2d Cir. 1999)
- *United States v. Regan*, 858 F.2d 115, 120 (2d Cir. 1988)
- *In re Rationis Enterprises, Inc. of Panama*, 261 F.3d 264, 270 (2d Cir. 2001)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK THEODORE SIMPSON, Plaintiff, 9:25-CV-0545 v. (GTS/TWD) ANN E. LORICCHIOANDOLA, et al., Defendants. APPEARANCES: THEODORE SIMPSON Plaintiff, pro se 96-A-3862 Eastern NY Correctional Facility Box 338 Napanoch, NY 12458 HON. LETITIA JAMES SHAWN C. GRAHAM, ESQ. New York State Attorney General Ass't Attorney General Attorney for Defendants The Capitol Albany, NY 12224 GLENN T. SUDDABY Senior United States District Judge DECISION and ORDER I. INTRODUCTION Plaintiff Theodore Simpson commenced this action by filing a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 ("Section 1983"), together with an application to 1 proceed in forma pauperis ("IFP").

Dkt. No. 1 ("Compl."); Dkt. No. 2 ("IFP Application"). By Decision and Order entered on June 25, 2025, the Court granted the IFP Application, reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b), dismissed certain claims without prejudice, and found that plaintiff's Eighth Amendment medical indifference claims against Doctor Loricchioandola, Doctor Solomon Sarra, and Doctor Guzman survived sua sponte review.

See Dkt. No. 4 ("June 2025 Order"). Thereafter, plaintiff filed, among other things, an amended complaint. Dkt. No. 20 ("Am. Compl."). By Decision and Order entered on December 9, 2025, the amended complaint was accepted for filing, and the following claims survived sua sponte review: (1) plaintiff's First Amendment retaliation claims against defendants Trone, Nurse Faulkner, and Dr. Loricchioandola; and (2) plaintiff's Eighth Amendment medical indifference claims against defendants Trone, Nurse T. Faulkner, Dr. Loricchioandola, Dr. Guzman, and Dr. Sarra.

Dkt. No. 24. Presently before the Court is plaintiff's motion for a preliminary injunction. Dkt. No. 21 ("Motion for Injunctive Relief"). Counsel has opposed the motion. Dkt. No. 22. II. MOTION FOR INJUNCTIVE RELIEF A. Overview of Plaintiff's Motion for Injunctive Relief Plaintiff seeks an order "direct[ing] (ALL) staff personnel [at Eastern Correctional Facility] not to interrupt [his] medical care and M.A.T. treatment[,] [w]hich [he] receives for extreme and chronic pain management, and other medically known chronic pain issues." See Motion for Injunctive Relief at 1.

Plaintiff bases his request on allegations that 2 “a new trainee nurse falsified information” on October 17, 2025, which resulted in non-party P.A. Yarsoslava Milov “abruptly stop[ping]” plaintiff’s medication “without consent” from plaintiff’s primary care physician. *Id.* Plaintiff further states that non-party P.A. Yarsoslava Milov has also stopped his medication and threatened him in the past.

Id. B. Analysis "In general, district courts may grant a preliminary injunction where a plaintiff demonstrates 'irreparable harm' and meets one of two related standards: 'either (a) a likelihood of success on the merits, or (b) sufficiently serious questions going to the merits of its claims to make them fair ground for litigation, plus a balance of the hardships tipping decidedly in favor of the moving party.'" *Otoe-Missouria Tribe of Indians v. New York State Dep't of Fin.*

Servs., 769 F.3d 105, 110 (2d Cir. 2014) (quoting *Lynch v. City of N.Y.*, 589 F.3d 94, 98 (2d Cir. 2009) (internal quotation marks omitted)). However, when the moving party seeks a "mandatory injunction that alters the status quo by commanding a positive act," the burden is even higher. *Cacchillo v. Insmmed, Inc.*, 638 F.3d 401, 406 (2d Cir. 2011) (citing *Citigroup Global Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30, 35 n.4 (2d Cir.

2010) (internal quotation marks omitted)). A mandatory preliminary injunction "should issue only upon a clear showing that the moving party is entitled to the relief requested, or where extreme or very serious damage will result from a denial of preliminary relief." *Cacchillo*, 638 F.3d at 406 (citing *Citigroup Global Mkts.*, 598 F.3d at 35 n.4) (internal quotation marks omitted)); see also *Tom Doherty Assocs., Inc. v. Saban Entertainment, Inc.*, 60 F.3d 27, 33-34 (2d Cir.

1995) (a plaintiff seeking a mandatory injunction must make a "clear" or "substantial" showing of a likelihood of success on the merits of his claim). The 3 same standards used to review a request for a preliminary injunction govern consideration of an application for a temporary restraining order. *Local 1814, Int'l Longshoremen's Ass'n, AFL-CIO v. New York Shipping Ass'n, Inc.*, 965 F.2d 1224, 1228 (2d Cir.

1992). The district court has wide discretion in determining whether to grant preliminary injunctive relief. *Moore v. Consol. Edison Co. of New York, Inc.*, 409 F.3d 506, 511 (2d Cir. 2005). "In the prison context, a request for injunctive relief must always be viewed with great caution so as not to immerse the federal judiciary in the management of state prisons."

Fisher v. Goord, 981 F. Supp. 140, 167 (W.D.N.Y. 1997) (citing *Farmer v. Brennan*, 511 U.S. 825, 846-47 (1994)) (other citations omitted). Upon review, plaintiff's motion is deficient for several reasons. First, plaintiff has failed to offer any admissible evidence in support of his claims of wrongdoing, which, by itself, is grounds for denying the requested relief.

See, e.g., *Hancock v. Essential Resources, Inc.*, 792 F. Supp. 924, 928 (S.D.N.Y. 1992) ("Preliminary injunctive relief cannot rest on mere hypotheticals."); *Ivy Mar Co. v. C.R. Seasons*

Ltd., 907 F. Supp. 547, 561 (E.D.N.Y. 1995) ("[B]are allegations, without more, are insufficient for the issuance of a preliminary injunction."); *Fox v. Anthony*, No. 6:10-CV-839 (GTS/ATB), 2010 WL 3338549, at *2 (N.D.N.Y.

July 15, 2010) ("Plaintiff has submitted no evidence, other than his own speculation that defendants... will retaliate against him when they find out that he filed this law suit. The same claim could be made by any inmate who names corrections officers as defendants in any action."), report and recommendation adopted by 2010 WL 3338558 (N.D.N.Y. Aug. 23, 2010); *Groves v. Davis*, No. 9:11-CV-1317 (GTS/RFT), 2012 WL 651919, at *8 (N.D.N.Y.

4 Feb. 28, 2012) ("Plaintiff's allegations, standing alone, are not sufficient to entitle him to preliminary injunctive relief."). Second, plaintiff's request for injunctive relief is based on past harm he experienced on one occasion, and his apparent fear that he may experience similar harm in the future.

However, injunctive relief cannot be based solely on past harm and speculative, remote or future injury. *Los Angeles v. Lyons*, 461 U.S. 95, 111-12 (1983); *Kamerling v. Massanari*, 295 F.3d 206, 214 (2d Cir. 2002) (preliminary relief cannot be founded on irreparable harm that is "remote or speculative"). Rather, a plaintiff seeking to satisfy the irreparable harm requirement must demonstrate that "absent a preliminary injunction [he or she] will suffer an injury that is neither remote nor speculative, but actual and imminent, and one that cannot be remedied if a court waits until the end of trial to resolve the harm."

Bisnews AFE (Thailand), 437 Fed. App'x at 58 (quoting *Faiveley*, 559 F.3d at 118); *Garcia v. Arevalo*, No. 93-CV-8147, 1994 WL 383238, at *2 (S.D.N.Y. June 27, 1994) ("It is well settled that an allegation of the mere possibility of irreparable harm is insufficient to justify the drastic remedy of preliminary injunction.... A party who seeks the extraordinary remedy of a preliminary injunction must show the alleged irreparable harm to be imminent, not remote or speculative, and the alleged injury to constitute one that is incapable of being fully remedied by monetary damages." (citations omitted)); *Fisher v. Goord*, 981 F. Supp. 140, 168 (W.D.N.Y.

1997) ("A preliminary injunction cannot be issued based [solely] on past harm."); *Haden v. Hellinger*, No. 9:14-CV- 0318, 2016 WL 589703 at *1 (N.D.N.Y. Feb. 11, 2016) (same); *Agostini v. Backus*, No. 14- CV-6188, 2015 WL 1579324, at *3 (W.D.N.Y. Apr. 9, 2015) ("Plaintiff's request for injunctive relief must be denied, since Plaintiff's concern about future retaliation, even if sincere, is 5 speculative, and therefore is not sufficient to establish irreparable harm."); *Ward v. LeClaire*, No. 9:07-CV-0026 (LEK/RFT), 2007 WL 1532067, at *2 (N.D.N.Y.

May 24, 2007) ("Plaintiff's request for injunctive relief against future threats or harassment by inmates and/or prison officials is too speculative to meet the irreparable harm requirement.").

Third, insofar as plaintiff seeks injunctive relief directing one or more officials to not interfere with his access to medication, the request is, in essence, a request that these officials obey the law.

"Obey the law" injunctions are vague, do not require a defendant to do anything more than that already imposed by law, subject the defendant to contempt rather than statutorily prescribed sanctions, and are not readily capable of enforcement.

As such, these injunctions are not favored. *N.L.R.B. v. Express Pub. Co.*, 312 U.S. 426, 435-36 (1941); see also *Rowe v. New York State Division of Budget*, No. 1:11-CV-1150 (LEK/DRH), 2012 WL 4092856, at *7 (N.D.N.Y. Sept. 17, 2012); *New York v. Shinnecock Indian Nation*, 560 F. Supp. 2d 186, 189 (E.D.N.Y. 2008). According to the Second Circuit, "[u]nder Rule 65(d), an injunction must be more specific than a simple command that the defendant obey the law." S.C.

Johnson & Son, Inc. v. Clorox Co., 241 F.3d 232, 240 (2d Cir. 2001) (quoting *Peregrine Myanmar Ltd. v. Segal*, 89 F.3d 41, 51 (2d Cir. 1996)). Fourth, insofar as plaintiff seeks injunctive relief against non-party officials who stopped or interfered with plaintiff's access to certain medication, a request for injunctive relief against non-parties is available only under very limited circumstances, none of which are clearly present here.

See Fed. R. Civ. P. 65(d)(2); *Doctor's Associates, Inc. v. Reinert & Duree, P.C.*, 191 F.3d 297, 302-03 (2d Cir. 1999); *United States v. Regan*, 858 F.2d 115, 120 (2d Cir. 1988); see also *In re Rationis Enterprises, Inc. of Panama*, 261 F.3d 264, 270 (2d 6 Cir. 2001) ("A court may not grant a final, or even an interlocutory, injunction over a party over whom it does not have personal jurisdiction.").

For all of these reasons, plaintiffs request for injunctive relief is denied without prejudice. III. CONCLUSION WHEREFORE, it is hereby ORDERED that plaintiff's motion for injunctive relief (Dkt. No. 21) is DENIED without prejudice as set forth above; and it is further ORDERED that the Clerk serve a copy of this Decision and Order on the plaintiff. IT IS SO ORDERED.

Dated: December 29, 2025 Syracuse, NY U.S. District Judge