

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE VIRGIN ISLANDS, DIVISION OF ST. THOMAS AND ST. JOHN

Jose R. Allen v. Government of the Virgin Islands and Dwayne Richards

Allen · No. 3:25-cv-0040 · Decided April 7, 2026

SUMMARY

The District Court of the Virgin Islands denied Jose R. Allen’s motion for a preliminary injunction, finding that he was unlikely to succeed on his claim under 3 V.I.C. § 584a and had not demonstrated irreparable harm. The Court granted Allen leave to amend his complaint by April 17, 2026, warning that failure to do so would result in dismissal without further notice.

CASE DETAILS

COURT	United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John
WRITING FOR THE COURT	Robert A. Molloy
JURISDICTION	United States District Court for the District of the Virgin Islands, Division of St. Thomas and St. John
DECIDED	April 7, 2026
DOCKET	3:25-cv-0040
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a preliminary injunction. After an evidentiary hearing, the court denied the motion and granted Plaintiff leave to amend his complaint.
STANDARD OF REVIEW	To obtain a preliminary injunction, the movant must demonstrate a likelihood of success on the merits, irreparable harm absent preliminary relief, a balance of equities favoring an injunction, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	unknown
PARTIES	Jose R. Allen v. Government of the Virgin Islands, Dwayne Richards, in his official capacity as Director of Human Resources for the Virgin Islands Police Department

TOPICS

injunctions

civil procedure

remedies

ada / disability

employment law

PRACTICE AREAS

civil procedure

remedies

employment law

disability discrimination

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to a preliminary injunction under the applicable four-factor test.
2. Whether Plaintiff demonstrated a likelihood of success on his claim under 3 V.I.C. § 584a.
3. Whether Plaintiff demonstrated irreparable harm when he sought monetary relief.

HOLDINGS

1. Plaintiff was not entitled to a preliminary injunction because he failed to demonstrate the required likelihood of success on the merits and irreparable harm.
2. Plaintiff was not likely to prevail on his § 584a claim because he lacked both a recommendation from the Police Commissioner and a physician's determination that he was physically or mentally incapacitated from performing his duties.
3. Plaintiff failed to demonstrate irreparable harm because he was seeking monetary relief.

KEY QUOTATIONS

“In order to obtain a preliminary injunction, Plaintiff must demonstrate that: (1) he is likely to succeed on the merits of his claim; (2) he will suffer irreparable harm without preliminary relief; (3) the balance of equities favors an injunction; and (4) an injunction is in the public interest.” (Page 1 of 2)

FACTUAL BACKGROUND

Allen sought duty-connected disability benefits under 3 V.I.C. § 584a and moved for a preliminary injunction. He admitted that the Police Commissioner had not recommended him for duty-connected disability benefits and that no physician had determined that he was physically or mentally incapacitated from performing his duties as a police officer. The court also noted that Allen was seeking monetary relief, which did not establish irreparable harm.

PROCEDURAL HISTORY

Jose R. Allen filed a civil action asserting claims under the Americans with Disabilities Act, the Family and Medical Leave Act, 42 U.S.C. § 1983, and 3 V.I.C. § 584a(d). He moved for a preliminary injunction, and the court held an evidentiary hearing on March 18, 2026. The court denied preliminary injunctive relief, identified deficiencies in the complaint, and ordered Plaintiff to file an amended complaint by April 17, 2026, subject to dismissal if he failed to do so.

DISPOSITION

other

CASES CITED

- Veterans Guardian VA Claim Consulting LLC v. Platkin, 133 F.4th 213, 218 (3d Cir. 2025)

OPINION

Allen

PER CURIAM.

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

JOSE R. ALLEN, pro se,)) Plaintiff,)) v.) Case No. 3:25-cv-0040)

GOVERNMENT OF THE VIRGIN ISLANDS and)

DWAYNE RICHARDS, in his official capacity as) Director of Human Resources for the Virgin)
Islands Police Department,)) Defendants.))

ORDER

THIS MATTER came before the Court on March 18, 2026, for evidentiary hearing upon Plaintiff Jose R. Allen's motion for preliminary injunction. See ECF No. 5, filed on October 7, 2025. For the reasons stated on the record in open court, the Court finds that Plaintiff is not entitled to injunctive relief. The Court issues this Order to memorialize its ruling from the bench. In order to obtain a preliminary injunction, Plaintiff must demonstrate that: (1) he is likely to succeed on the merits of his claim; (2) he will suffer irreparable harm without preliminary relief; (3) the balance of equities favors an injunction; and (4) an injunction is in the public interest. Veterans Guardian VA Claim Consulting LLC v. Platkin, 133 F.4th 213, 218 (3d Cir. 2025). After identifying Plaintiff's claims, as the Court understands them,¹ and inquiring as to the basis for Plaintiff's motion, Plaintiff indicated that he was proceeding under his claim for a violation of 3 V.I.C. § 584a. To maintain a Section 584a claim, Plaintiff, upon recommendation of the Police Commissioner, must be certified by a duly licensed physician designated by the Police Commissioner as physically or mentally incapacitated. 3 V.I.C. § 584a(d)(1). Plaintiff admitted that the Police Commissioner never recommended that he 1 It appears that Plaintiff's complaint seeks to allege causes of action for violations of: (1) the Americans with Disabilities Act (ADA); (2) Family Medical Leave Act (FMLA), (3) 42 U.S.C. § 1983 (Due Process); and (4) 3 V.I.C. § 584a(d) (Duty Connected Disability). Page 2 of 2 receive duty-connected disability benefits, nor has a physician determined him to be physically or mentally incapacitated from performing his duties as a police officer. Based upon those facts, the Court finds that Plaintiff is not likely to prevail on the merits of his claim under Section 584a. Further, Plaintiff fails to demonstrate irreparable harm because he is seeking monetary relief. Consequently, the Court will deny Plaintiff's motion. In addition, having heard the arguments of the parties and pointing out multiple

deficiencies in the complaint, the Court will allow Plaintiff the opportunity to amend his complaint. Accordingly, it is hereby ORDERED that Plaintiff Jose R. Allen's Motion for Preliminary Injunction, ECF No. 5, is DENIED; it is further ORDERED that Plaintiff shall file, by no later than April 17, 2026,² an amended complaint; such amended pleading shall conform with the requirements set forth in LRCi 15.1(a); it is further ORDERED that, in the event Plaintiff fails to file an amended complaint as directed, the Court SHALL dismiss the above-captioned matter without further notice to Plaintiff; and it is finally ORDERED that the Clerk's Office shall serve a copy of this Order to Plaintiff via certified mail and shall docket the return receipt in the record of this case. Dated: April 7, 2026 /s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge 2 At the hearing held on March 18, 2026, the Court granted Plaintiff until April 8, 2026, to file an amended complaint. The Court will extend the deadline as indicated in this Order.