

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA, SOUTH BEND DIVISION

Timothy Marcus Mayberry v. Ron Neal, et al.

Mayberry · No. 3:24-CV-187-HAB-ALT · Decided November 24, 2025

SUMMARY

The United States District Court for the Northern District of Indiana construed Timothy Marcus Mayberry’s motion for a temporary restraining order as a motion for a preliminary injunction. The court denied relief concerning a one-day food deprivation because irreparable harm was unlikely to recur, but ordered the Warden to respond to allegations concerning recurring unsafe drinking water during lockdowns. The court issued the opinion and order on November 24, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Holly A. Brady
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	November 24, 2025
DOCKET	3:24-CV-187-HAB-ALT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prisoner proceeding without a lawyer, moved for a temporary restraining order compelling the Warden to provide safe drinking water and food during lockdowns. The court construed the motion as one for a preliminary injunction, denied relief as to the food-related allegations, and ordered the Warden to respond to the water-related allegations.
STANDARD OF REVIEW	A party seeking a preliminary injunction must show a likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The issuance of injunctive relief is committed to the district court's sound discretion. The standards for a temporary restraining order and a preliminary injunction are the same.
PRECEDENTIAL VALUE	Unknown

PARTIES

Timothy Marcus Mayberry v. Ron Neal, et al.

TOPICS

injunctions

prisoners rights

civil rights

section 1983

civil procedure

PRACTICE AREAS

prisoner civil rights

injunctive relief

civil procedure

QUESTIONS PRESENTED

1. Whether the court should issue a temporary restraining order concerning alleged inadequate food and unsafe drinking water during a lockdown.
2. Whether the motion should instead be treated as a motion for a preliminary injunction after the lockdown ended and additional information was obtained.
3. Whether Mayberry established a likelihood of irreparable harm warranting preliminary injunctive relief for the food-related allegations.
4. Whether the recurring nature of the water-related allegations warranted requiring the Warden to respond to the request for preliminary injunctive relief.

HOLDINGS

1. The court declined to issue a temporary restraining order and construed the motion as a motion for a preliminary injunction because the court needed additional information and the lockdown had ended.
2. Preliminary injunctive relief was denied with respect to the food-related allegations because the alleged deprivation appeared to be an isolated, one-day incident and there was no indication that it was likely to recur.
3. The court did not resolve the ultimate merits of the water-related allegations but ordered the Warden to respond to the motion for a preliminary injunction concerning those allegations.

KEY QUOTATIONS

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” (555 U.S. at 20)

“a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” (520 U.S. at 972)

“A preliminary injunction is an extraordinary remedy never awarded as of right.” (555 U.S. at 24)

“The standards for granting a temporary restraining order and a preliminary injunction are the same.”

FACTUAL BACKGROUND

Mayberry alleged that during a November 2025 lockdown he lacked access to safe drinking water and received no adequate edible food on November 8 after correctional staff removed allegedly moldy bread without replacing it. He reported physical symptoms including headaches, gastrointestinal distress, dehydration, dizziness, and weakness, and alleged that staff did not provide timely medical assistance. The lockdown ended on November 10, but Mayberry stated that unsafe or unpleasant cell water remained a recurring problem during lockdowns and that he had raised similar concerns in other filings.

PROCEDURAL HISTORY

Mayberry filed a motion for a temporary restraining order based on alleged inadequate food and unsafe drinking water during a lockdown. After the court requested information about whether the conditions continued and learned that the lockdown had ended, it declined to issue a temporary restraining order and treated the motion as a motion for a preliminary injunction. The court denied preliminary relief concerning food because the deprivation appeared isolated and unlikely to recur, while directing the Warden to respond concerning recurring water-related allegations.

DISPOSITION

other

CASES CITED

- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)
- Weinberger v. Romero-Barcelo, 456 U.S. 305, 312 (1982)
- Cassell v. Snyders, 458 F. Supp. 3d 981, 990 (N.D. Ill. 2020)