

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 March 9, 2026

SUMMARY

The United States District Court for the Northern District of Indiana denied Timothy Marcus Mayberry’s motion for leave to file a third amended complaint, citing undue delay, prejudice, the advanced stage of discovery, and prior amendments. The court also denied Mayberry’s motion for a preliminary injunction concerning religiously prepared food and Ramadan nutrition, as well as his motion to take notice as unnecessary. The opinion addresses claims involving prison conditions, religious exercise, retaliation, and related procedural matters.

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	March 9, 2026
DOCKET	3:24-CV-187-HAB-ALT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a third amended complaint, a preliminary injunction, and an order taking notice of alleged misrepresentations in prior filings. The district court denied all three motions.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the court’s discretion and may be denied for undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility. Preliminary injunctive relief must be related to the claims asserted in the complaint.
PRECEDENTIAL VALUE	unpublished district court opinion; limited precedential value

TOPICS

motion to amend

injunctions

civil procedure

prisoners rights

establishment clause

PRACTICE AREAS

civil procedure

prisoner civil rights

religious liberty

QUESTIONS PRESENTED

1. Whether Mayberry should receive leave under Federal Rule of Civil Procedure 15(a)(2) to file a third amended complaint adding retaliation, Ramadan nutrition, and Indiana Religious Freedom and Restoration Act claims.
2. Whether Mayberry was entitled to a preliminary injunction concerning food preparation and allegedly inadequate Ramadan nutrition.
3. Whether the court should take notice of the Warden's purported misrepresentations in prior filings.

HOLDINGS

1. Leave to amend was properly denied because the proposed amendment came at an advanced stage of the case after repeated amendments and substantial discovery, and allowing it would unduly prejudice the defendants and delay resolution.
2. The motion for a preliminary injunction was denied because the requested relief concerning Ramadan nutrition was unrelated to the claims in the operative complaint, and the remaining request presented no new arguments or evidence warranting a different result from the court's prior denial.
3. The motion was denied as unnecessary because it did not appear to request a court order or other judicial action, and the court was already generally aware of the filings in the case.

KEY QUOTATIONS

“A district court should not issue an injunction when the injunction in question is not of the same character, and deals with a matter lying wholly outside the issues in the suit.”

“Thus, a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint.”

FACTUAL BACKGROUND

Mayberry, a prisoner, alleged that prison officials and Aramark served rotten food, failed to provide safe drinking water, and failed to provide religiously adequate meals and holiday accommodations. He sought to add claims concerning retaliatory denial of filtered water, inadequate nutrition during Ramadan, and the Indiana Religious Freedom and Restoration Act. The proposed amendment came after two prior amendments, substantial discovery, and the court's prior denial of a motion to rescreen the second amended complaint.

PROCEDURAL HISTORY

Mayberry, a prisoner proceeding without counsel, was already proceeding on Eighth Amendment, Establishment Clause, and RLUIPA claims after two prior amendments. After discovery had been ongoing since August 2024

and was nearing completion, he sought to add retaliation, nutrition-related, and Indiana Religious Freedom Restoration Act claims. The court denied leave to amend and then denied related requests for preliminary injunctive relief and notice.

DISPOSITION

other

CASES CITED

- Airborne Beepers & Video, Inc. v. AT&T Mobility LLC, 499 F.3d 663, 666 (7th Cir. 2007)
- Pavey v. Conley, 544 F.3d 739, 742 (7th Cir. 2008)
- Kaimowitz v. Orlando, Fla., 122 F.3d 41, 43 (11th Cir. 1997)
- Devose v. Herrington, 42 F.3d 470, 471 (8th Cir. 1994)

OPINION

Mayberry

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

TIMOTHY MARCUS MAYBERRY,

Plaintiff,

v. CAUSE NO. 3:24-CV-187-HAB-ALT

RON NEAL, et al., Defendants.

OPINION AND ORDER

Timothy Marcus Mayberry, a prisoner without a lawyer, filed a motion for leave to file a third amended complaint. ECF 357. At this stage of the proceedings, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). “Reasons for finding that leave should not be granted include undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment.” Airborne Beepers & Video, Inc. v. AT & T Mobility LLC, 499 F.3d 663, 666 (7th Cir. 2007). Mayberry currently proceeds on the following claims:

(1) An Eighth Amendment claim for damages against Theresa Johnson,

Wayne Peeples, Ron Neal, Christina Reagle, Lloyd Arnold and Supervisor Greer in their individual capacities for serving him rotten fruit and vegetables and for failing to provide safe drinking water;

(2) An Eighth Amendment claim for damages against Aramark for

maintaining a policy or practice of serving him rotten fruit and vegetables and failing to provide

safe drinking water;

(3) An Establishment Clause claim for damages against IDOC Religious

Director David Liebel, Warden Neal, Theresa Johnson, Wayne Peeples, Christina Reagle, Lloyd Arnold, and Supervisor Greer in their individual capacities for failing to provide celebratory feasts from 2023 through March 2025 for Islamic holidays on par with those provided for Christian and Jewish holidays to the extent required by the Establishment Clause;

(4) A Religious Land Use and Institutionalized Persons Act (RLUIPA)

claim against Warden Ron Neal in his official capacity for injunctive relief to obtain a diet that complies with his sincere religious belief to regularly consume halal meat from herbivorous animals and to eat food prepared only by Muslims; and

(5) A RLUIPA claim against Warden Ron Neal in his official capacity for

injunctive relief to be able to celebrate the Muslim holidays of Eid al-Fitr and Eid ul-Adha as required by his sincere religious beliefs. ECF 158. He now seeks to amend his complaint for a third time to add the following claims:

(1) A retaliation claim against the Warden for instructing correctional staff

not to give him filtered water in retaliation for filing this action;

(2) Additional claims against the Aramark defendants for providing him

with inadequate nutrition during Ramadan from 2023 through 2026, including a policy-or-practice claim against the Aramark defendants; and

(3) A claim under the Indiana Religious Freedom and Restoration Act.

ECF 357. Significantly, on December 9, 2025, the court entered an order denying Mayberry's motion to rescreen the second amended complaint.¹ ECF 329. The court ¹ In the pending motion to amend, Mayberry falsely attests, "The court has not yet ruled on my motion to re-screen (See ECF 213) including its supplement (See ECF 227)." The court has previously found that it did not err by relying on Mayberry's attestations that he sought merely to extend his existing claims to other defendants and through March 2025 when screening the second amended complaint. *Id.* The court also found that the motion to rescreen could be construed as another motion to amend the complaint but declined to grant leave due to the advanced stage of the proceedings and the prior amendments to his complaint. *Id.* Four months have passed since that ruling, and the court's concerns about amending the complaint at this late stage now apply with even greater force. This case is now two years old, and the parties have been engaged in discovery since August 2024. The parties have exchanged a substantial amount of discovery material, and the discovery stage is now drawing to a close. ECF 317, ECF 318, ECF 350. Allowing Mayberry to amend his complaint in this manner would prejudice the defendants by requiring them to assess their defenses to the new claims, including the exhaustion of administrative remedies, which, if asserted, would substantially delay the resolution of this aging case. See *Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008) ("We emphasize that in the ordinary case discovery with respect to the merits should be deferred until the issue of exhaustion is resolved."). It would also require the defendants to

investigate a new set of claims and to engage in additional discovery after they have already responded to seven rounds of Mayberry's discovery requests.² Further, though some of cautioned Mayberry against misrepresenting the actions of the court (ECF 309), and the court does so again here. ² On January 14, 2026, Mayberry served a Seventh Set of Requests for Productions on the defendants, which suggests that he has now served seven rounds of written discovery. ECF 332. his proposed new claims are based on recent fact allegations, Mayberry could have asserted some of the proposed new claims in his prior complaints. The court also has an interest in resolving this case within a reasonable period of time. See Fed. R. Civ. P. 1 ("[The Federal Rules of Civil Procedure] should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding."). As a result, the court denies the motion to amend. Next, Mayberry filed a motion for a preliminary injunction, asserting that the defendants are providing him with food that is not prepared by Muslims as required by his religious beliefs. ECF 356. However, the court denied a substantially similar motion for a preliminary injunction on January 14, 2025, and Mayberry provides no new arguments or evidence to suggest a different outcome is appropriate now. ECF 44. In the motion for a preliminary injunction, Mayberry also asserts that he skips lunch in observance of Ramadan, and the defendants are providing him with inadequate nutrition by failing to supplement his meals to make up for the food he declined to eat at lunch. This portion of the motion appears to assume that the court would grant the motion for leave to amend the complaint. However, the court denied the motion, so the court cannot grant this request for injunctive relief because it is unrelated to the claims in this case. See *Kaimowitz v. Orlando, Fla.*, 122 F.3d 41, 43 (11th Cir.1997) ("A district court should not issue an injunction when the injunction in question is not of the same character, and deals with a matter lying wholly outside the issues in the suit."); *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) ("Thus, a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint."). Therefore, the court denies the motion for a preliminary injunction. Mayberry filed a motion notifying the court of the Warden's purported misrepresentations in prior filings. ECF 355. However, this motion does not appear to seek a court order or other action, and the court is generally aware of the filings in every case, so the court will deny it as unnecessary. For these reasons, the court:

- (1) DENIES the motion to amend (ECF 357);
- (2) DENIES the motion for a preliminary injunction (ECF 356); and
- (3) DENIES as UNNECESSARY the motion to take notice (ECF 355).

SO ORDERED on March 9, 2026. s/ Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT

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