

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Larry Gene Harless, Jr. v. Michelle Boyd et al.

No. 7:25-cv-00650 (W.D. Va. Apr. 28, 2026) · No. 7:25-cv-00650 · Decided April 28, 2026

SUMMARY

The United States District Court for the Western District of Virginia denies Larry Gene Harless Jr.’s motion for a preliminary injunction in his 42 U.S.C. § 1983 action against Michelle Boyd and Johnny Rosenbaum. The court concludes that Harless failed to show a likelihood of success on the merits, irreparable harm, a favorable balance of equities, or that an injunction would serve the public interest.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	April 28, 2026
DOCKET	7:25-cv-00650
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a Virginia inmate proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983 and then moved for a preliminary injunction or temporary restraining order.
STANDARD OF REVIEW	A preliminary injunction or temporary restraining order requires a clear showing that the movant is likely to succeed on the merits, likely to suffer irreparable harm absent relief, that the balance of equities favors relief, and that relief is in the public interest. Each factor must be satisfied.
PRECEDENTIAL VALUE	unpublished

TOPICS

- injunctions
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to a preliminary injunction or temporary restraining order under Federal Rule of Civil Procedure 65.

HOLDINGS

1. Plaintiff was not entitled to preliminary injunctive relief because he failed to clearly show that he was likely to succeed on the merits, likely to suffer irreparable harm, that the balance of equities favored relief, or that relief was in the public interest.

KEY QUOTATIONS

“To obtain a preliminary injunction or TRO, Plaintiff must clearly show that: (1) he is “likely to succeed on the merits” of his claims; (2) he is “likely to suffer irreparable harm absent preliminary relief”; (3) “the balance of the equities favors relief”; and (4) “the relief is in the public interest.””

“Plaintiff’s motion does not set forward any facts showing that he is likely to succeed on the merits of his claims, that he is likely to suffer irreparable harm absent preliminary injunctive relief, that the balance of equities favors an injunction, or that injunctive relief is in the public interest.”

FACTUAL BACKGROUND

Larry Gene Harless, Jr., a Virginia inmate proceeding pro se, brought a civil-rights action under 42 U.S.C. § 1983 against Michelle Boyd and Johnny Rosenbaum. After filing his complaint, he sought a preliminary-injunction hearing and an order restraining the defendants from the alleged Fourth Amendment waiver. His filing supplied no facts demonstrating likely success, irreparable harm, favorable equities, or that an injunction would serve the public interest.

PROCEDURAL HISTORY

Harless filed a § 1983 complaint against Michelle Boyd and Johnny Rosenbaum. He subsequently filed a proposed order requesting a preliminary-injunction hearing and an order restraining the defendants from the alleged Fourth Amendment waiver. The court construed that filing as a motion for preliminary injunction and denied it for failure to satisfy the requirements for preliminary injunctive relief.

DISPOSITION

other

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008)
- *Leaders of a Beautiful Struggle v. Baltimore Police Department*, 2 F.4th 330, 339 (4th Cir. 2021)
- *In re Search Warrant Issued June 13, 2019*, 942 F.3d 159, 170-71 (4th Cir. 2019)

- Lisa Henderson v. Bluefield Hospital Co., LLC, Henderson for National Labor Relations Board v. Bluefield Hospital Co., LLC, 902 F.3d 432, 439 (4th Cir. 2018)
- Taylor v. Freeman, 34 F.3d 266, 269 (4th Cir. 1994)
- Wetzel v. Edwards, 635 F.2d 283, 286 (4th Cir. 1980)

OPINION

Harless

PER CURIAM.

CLERKS OFFICE US DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT AT ROANOKE, VA

FOR THE WESTERN DISTRICT OF VIRGINIA April 28, 2026

ROANOKE DIVISION ee

LAURA A. AUSTIN, CLERK

By: /s/ M. Poff

LARRY GENE HARLESS, JR.,) DEPUTY CLERK

) Plaintiff,) Case No. 7:25-cv-00650)

) MEMORANDUM OPINION

) MICHELLE BOYD, ef a/,) By: | Hon. Thomas T. Cullen) United States District Judge
 Defendants.) Plaintiff Larry Gene Harless, Jr., a Virginia inmate who is proceeding pro se, filed
 this civil-rights action under 42 U.S.C. § 1983 against Defendants Michelle Boyd and Johnny
 Rosenbaum. (See ECF No. 7.) After filing his complaint, Plaintiff filed a proposed order,
 suggesting that the court order Defendants to appear for a preliminary injunction hearing and
 “restrai[n]” Defendants “from the ‘Fourth Amendment Waiver.’” (See ECF No. 8.) The court
 construes Plaintiffs filing as a motion for preliminary injunction. Federal Rule of Civil Procedure
 65 permits district courts to issue temporary restraining orders (“TRO”) and preliminary
 injunctions. But such remedies are “extraordinary and drastic remedy” and are “never awarded as
 of right.” *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008) (citations and internal quotation marks
 omitted). To obtain a preliminary injunction or TRO, Plaintiff must clearly show that: (1) he is
 “likely to succeed on the merits” of his claims; (2) he is “likely to suffer irreparable harm absent
 preliminary relief”; (3) “the balance of the equities favors relief”; and (4) “the relief is in the public
 interest.” *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 2 F.Ath 330, 339 (4th Cir.
 2021) (citing *In re Search Warrant Issued June 13, 2019*, 942 F.3d 159, 170-71 (4th Cir. 2019)).
 “[E]ach of these four factors must be satisfied to obtain preliminary injunctive relief.” *Henderson*
for Nat’l Lab. Rels. Bd. v. Bluefield Hosp. Co., LLC, 902 F.3d 432, 439 (4th Cir. 2018) (emphasis
 in original). And in the context of state-prison administration, “intrusive and far-reaching federal
 judicial intervention in the details of prison management is justifiable only where state officials
 have been afforded the opportunity to correct constitutional infirmities and have abdicated their
 responsibility to do so.” *Taylor v. Freeman*, 34 F.3d 266, 269 (4th Cir. 1994); see also *Wetzel v.*

Edwards, 635 F.2d 283, 286 (4th Cir. 1980) (“[T]he decisions made by prison administrators in their informed discretion have been accorded ‘wide-ranging deference’ by the federal courts.”) (citations omitted). Plaintiff’s motion does not set forward any facts showing that he is likely to succeed on the merits of his claims, that he is likely to suffer irreparable harm absent preliminary injunctive relief, that the balance of equities favors an injunction, or that injunctive relief is in the public interest. Accordingly, he has not shown that he is entitled to a preliminary injunction against any Defendant, and his motion seeking such relief will be denied. The clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to Plaintiff. ENTERED this 28th day of April, 2026. /s/ Thomas T. Cullen_____

HON. THOMAS T. CULLEN

UNITED STATES DISTRICT JUDGE