

**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.

OPINION

CLERKS OFFICE US DISTRICT COURT IN THE UNITED STATES DISTRICT COURT
ATROANOKE, VA POR 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