

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Alyssa Diane Sjothun v. Matthew Peterson, et al.

Sjothun · No. Civil Action No. 25-00469-KD-B · Decided April 28, 2026

SUMMARY

The United States District Court for the Southern District of Alabama denied Alyssa Diane Sjothun’s request for an emergency preliminary injunction seeking a change in custody of her children from the Baldwin County Department of Human Resources to a relative. The court held that Sjothun could not represent her children pro se and failed to establish the requirements for preliminary injunctive relief on her own behalf. The court also noted that the passage of more than a year since the children’s placement undermined the claimed emergency.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	April 28, 2026
DOCKET	Civil Action No. 25-00469-KD-B
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an emergency preliminary injunction seeking a change in custody of her children from the Baldwin County Department of Human Resources to a paternal or maternal grandmother.
STANDARD OF REVIEW	A preliminary injunction is an extraordinary and drastic remedy, and the movant must clearly establish each of four prerequisites: substantial likelihood of success on the merits, substantial threat of irreparable injury, favorable balance of threatened harms, and consistency with the public interest.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Alyssa Diane Sjothun v. Matthew Peterson et al.

TOPICS

injunctions

child custody

section 1983

procedural due process

civil procedure

PRACTICE AREAS

civil procedure

family law

constitutional law

civil rights

remedies

QUESTIONS PRESENTED

1. Whether a non-attorney parent may represent her minor children pro se in federal court when seeking injunctive relief on their behalf.
2. Whether Sjothun was entitled to a preliminary injunction changing the custody placement of her children.

HOLDINGS

1. A non-attorney parent may not proceed pro se on behalf of her children in federal court.
2. Sjothun was not entitled to a preliminary injunction because she failed to establish the required prerequisites, including a substantial likelihood of success on the merits, a substantial threat of irreparable injury, a favorable balance of harms, and that the injunction would not disserve the public interest.

KEY QUOTATIONS

“A preliminary injunction “is an extraordinary and drastic remedy not to be granted unless the movant clearly established the burden of persuasion as to each of the four prerequisites.”” (Analysis section)

“the very idea of a preliminary injunction is premised on the need for speedy and urgent action to protect a plaintiff’s rights before a case can be resolved on its merits.” (Analysis section)

FACTUAL BACKGROUND

After Sjothun was pursued by law enforcement in Baldwin County, Alabama, her vehicle was involved in a collision and she was arrested on several criminal charges. Her two young children were placed in the custody of the Baldwin County Department of Human Resources. More than a year later, Sjothun sought an emergency injunction requesting that custody be transferred to one of the children’s grandmothers.

PROCEDURAL HISTORY

Sjothun filed a civil-rights action arising primarily from the post-arrest placement of her children in DHR custody. The court identified pleading deficiencies, including fictitious parties and unrelated claims, and ordered her to file an amended complaint on a prisoner complaint form. She filed an amended complaint and then moved for emergency preliminary injunctive relief on behalf of her children and, to the extent applicable, herself. The district court denied the motion.

DISPOSITION

other

CASES CITED

- Warner v. School Board of Hillsborough County, Florida, No. 23-12408, 2024 WL 2053698, at **2-3 (11th Cir. May 8, 2024) (per curiam) (unpublished)
- Devine v. Indian River County School Board, 121 F.3d 576, 581 (11th Cir. 1997)
- Winkelman ex rel. Winkelman v. Parma City School District, 550 U.S. 516 (2007)
- Dixit v. Fairnot, No. 23-11436, 2025 WL 1733887 (11th Cir. June 23, 2025)
- Siegel v. LePore, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc)
- Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1248 (11th Cir. 2016)

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