

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mytych v. National Park Service

Civil Action No. 1:25-cv-4291 (TNM) (D.D.C. Feb. 5, 2026) · No. Civil Action No. 1:25-cv-4291 (TNM) ·
Decided February 5, 2026

SUMMARY

The United States District Court for the District of Columbia denied David Mytych’s motion for a preliminary injunction concerning the National Park Service’s relocation of a demonstration from Columbus Plaza to Stanton Park. The court held that Mytych lacked standing to challenge alleged violations involving FLARE USA’s demonstration permits because the permits belonged to FLARE and no basis for third-party standing was shown. The court found that Mytych had standing to assert his own First Amendment claim but was unlikely to succeed because the relocation and temporary closure were reasonable time, place, and manner restrictions related to construction and public safety.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Trevor N. McFadden
JURISDICTION	United States District Court for the District of Columbia
DECIDED	February 5, 2026
DOCKET	Civil Action No. 1:25-cv-4291 (TNM)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order and preliminary injunction under claims arising under the Administrative Procedure Act, the First Amendment, and an ultra vires theory. The court previously denied the temporary restraining order and denied the preliminary injunction, dismissing Counts II and III for lack of subject matter jurisdiction.
STANDARD OF REVIEW	At the preliminary-injunction stage, the movant must make a clear showing of likelihood of success on the merits, likely irreparable harm, favorable balance of equities, and consistency with the public interest. When the government opposes relief, the last two factors merge. Standing must also be established for each claim and each form of relief, and at this stage the plaintiff must make a clear showing that he is likely to establish standing.

PRECEDENTIAL VALUE	published district-court memorandum order; persuasive but not binding outside the case
PARTIES	David Mytych v. National Park Service, Frank Lands, Jennifer Nersesian, Kevin Griess, Chad Tinney

TOPICS

standing injunctions first amendment judicial review of agency action subject matter jurisdiction

PRACTICE AREAS

administrative law constitutional law civil procedure remedies civil rights

QUESTIONS PRESENTED

1. Whether Mytych had standing to challenge NPS's alleged violations of its permit regulations when the permits belonged to FLARE USA rather than Mytych.
2. Whether Mytych had standing to assert a First Amendment challenge based on NPS's order requiring the demonstration to leave Columbus Plaza.
3. Whether Mytych was entitled to a preliminary injunction against NPS's relocation of the demonstration and temporary closure of Columbus Plaza.
4. Whether NPS's temporary closure and relocation of the demonstration constituted an unconstitutional restriction on speech in a traditional public forum.

HOLDINGS

1. Mytych lacked standing to challenge NPS's alleged violations of its regulations because the permits at issue belonged to FLARE USA, not Mytych, and he identified no hindrance preventing FLARE from protecting its own interests.
2. Mytych adequately established standing to assert a First Amendment challenge to NPS's order requiring him to vacate Columbus Plaza.
3. Mytych was not likely to succeed on his First Amendment claim because NPS's temporary closure of Columbus Plaza and relocation of the demonstration were reasonable, content-neutral time, place, and manner restrictions that served significant governmental interests and left open ample alternative channels of communication.
4. Mytych was not entitled to a preliminary injunction because he failed to show a likelihood of success on the merits and consequently failed to establish the remaining injunction factors.

KEY QUOTATIONS

“A preliminary injunction is “an extraordinary and drastic remedy” that is “never awarded as of right.”” (at 4)

“The requirements apply to “each claim [a plaintiff] seeks to press and for each form of relief that is sought” because “standing is not dispensed in gross.”” (at 5)

“Unlike those groups and individuals, FLARE can protect its own interests, so Mytych, even as a “lead organizer” of FLARE, Compl. ¶ 11, is the wrong plaintiff to sue over its permit.” (at 8)

“Such restrictions are valid “provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.”” (at 9)

“Mytych has not shown that he has standing to bring claims about NPS’s revocation of FLARE’s permit.” (at 15)

FACTUAL BACKGROUND

FLARE USA, a volunteer nonprofit organization led in part by Mytych, maintained a continuous political demonstration at Columbus Plaza outside Union Station under an NPS permit issued to FLARE. NPS first sought to remove the demonstrators and their structures and later informed Mytych that Columbus Plaza would temporarily close for construction, offering Stanton Park as an alternative demonstration site. Mytych did not sign the proposed relocation amendment and sued, asserting that NPS violated the First Amendment and its own regulations.

PROCEDURAL HISTORY

Mytych sued the National Park Service and four NPS officials after NPS required him and FLARE USA to vacate a demonstration site at Columbus Plaza because of a construction project and offered Stanton Park as an alternative location. The court denied Mytych's temporary restraining order. After receiving the government's opposition and no reply from Mytych, the court denied the preliminary injunction, dismissed the regulatory and ultra vires claims for lack of standing, and directed defendants to respond to the remaining count.

DISPOSITION

other

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20, 22, 24 (2008)
- *Nken v. Holder*, 556 U.S. 418, 434-35 (2009)
- *Warth v. Seldin*, 422 U.S. 490, 498-99, 504 (1975)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)
- *FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367, 380 (2024)
- *Massachusetts Coalition for Immigrant Reform v. U.S. Department of Homeland Security*, 698 F. Supp. 3d 10, 22 (D.D.C. 2023)
- *Singleton v. Wulff*, 428 U.S. 106, 113 (1976)

- Powers v. Ohio, 499 U.S. 400, 411, 414-15 (1991)
- Trump v. CASA, Inc., 606 U.S. 831, 867 (2025) (Alito, J., concurring)
- Murthy v. Missouri, 603 U.S. 43, 58 (2024)
- Town of Chester v. Laroe Estates, Inc., 581 U.S. 433, 439 (2017)
- Weaver's Cove Energy, LLC v. Rhode Island Department of Environmental Management, 524 F.3d 1330, 1332, 1334 (D.C. Cir. 2008)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Snyder v. Phelps, 562 U.S. 443, 452 (2011)
- Elrod v. Burns, 427 U.S. 347, 373-74 (1976)
- University of Texas Southwestern Medical Center v. Nassar, 570 U.S. 338, 346 (2013)
- Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139, 150 (2010)
- Kowalski v. Tesmer, 543 U.S. 125, 129 (2004)
- Barrows v. Jackson, 346 U.S. 249, 254, 257 (1953)
- United States ex rel. Feliciano v. Ardoin, 127 F.4th 382, 383 (D.C. Cir.)
- Pleasant Grove City v. Summum, 555 U.S. 460, 469 (2009)
- McCullen v. Coakley, 573 U.S. 464, 476-77 (2014)
- Penkoski v. Bowser, 548 F. Supp. 3d 12, 20 (D.D.C. 2021)
- Cox v. Louisiana, 379 U.S. 536, 554 (1965)
- Clark v. Community for Creative Non-Violence, 468 U.S. 288, 293 (1984)
- Coalition for Mercury-Free Drugs v. Sebelius, 671 F.3d 1275, 1280 (D.C. Cir. 2012)
- City of Los Angeles v. Lyons, 461 U.S. 95, 105 (1983)
- Grayned v. City of Rockford, 408 U.S. 104, 115, 117 (1972)
- Price v. Garland, 45 F.4th 1059, 1073 (D.C. Cir. 2022)
- Thomas v. Chicago Park District, 534 U.S. 316, 323 n.3 (2002)
- Cox v. New Hampshire, 312 U.S. 569, 577 (1941)
- Doran v. Salem Inn, Inc., 422 U.S. 922, 931 (1975)
- Aamer v. Obama, 742 F.3d 1023, 1038 (D.C. Cir. 2014)
- Greater New Orleans Fair Housing Action Center v. Department of Housing & Urban Development, 639 F.3d 1078, 1088 (D.C. Cir. 2011)
- Hanson v. District of Columbia, 120 F.4th 223, 244 (D.C. Cir. 2024)
- Edwards v. District of Columbia, 765 F. Supp. 2d 3, 19 (D.D.C. 2011)
- Delaware & Hudson Railway Co. v. United Transportation Union, 450 F.2d 603, 619-20 (D.C. Cir. 1971)
- West Virginia Association of Club Owners & Fraternal Services, Inc. v. Musgrave, 553 F.3d 292, 298 (4th Cir. 2009)
- Weinberger v. Romero-Barcelo, 456 U.S. 305, 312 (1982)

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