

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Shane A. Wiley v. Thirty5 West New LP LLC, et al.

Wiley · No. CIV-25-1400-R · Decided December 10, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma denied Shane A. Wiley’s motion to reconsider the denial of a temporary restraining order and denied related requests for an emergency hearing and expedited review. The court held that Wiley had not sufficiently complied with Federal Rule of Civil Procedure 65’s notice requirements and had not shown a substantial likelihood of success on the merits. The court also noted that ongoing or completed state eviction proceedings could implicate Younger abstention or the Rooker-Feldman doctrine.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 10, 2025
DOCKET	CIV-25-1400-R
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the denial of her request for a temporary restraining order without notice and also sought emergency injunctive relief, a hearing, and expedited review.
STANDARD OF REVIEW	A motion for reconsideration was evaluated in connection with the requirements for preliminary injunctive relief and a temporary restraining order under Federal Rule of Civil Procedure 65. Preliminary injunctive relief requires a showing of irreparable injury, a balance of threatened injuries favoring the movant, consistency with the public interest, and a substantial likelihood of success on the merits.
PRECEDENTIAL VALUE	Unpublished district-court order; persuasive value only.
PARTIES	Shane A. Wiley v. Thirty5 West New LP LLC, et al.

TOPICS

- motion for reconsideration
- injunctions
- eviction
- civil procedure
- subject matter jurisdiction

PRACTICE AREAS

civil procedure

real estate

landlord tenant

injunctive relief

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to reconsideration of the prior denial of a temporary restraining order without notice.
2. Whether Plaintiff satisfied Federal Rule of Civil Procedure 65's notice and certification requirements for preliminary injunctive relief.
3. Whether Plaintiff demonstrated a substantial likelihood of success on the merits of her claims challenging Defendants' authority to collect rent or seek eviction.
4. Whether ongoing or completed state-court eviction proceedings likely deprived the federal court of jurisdiction under Younger abstention or the Rooker-Feldman doctrine.

HOLDINGS

1. Plaintiff was not entitled to preliminary injunctive relief because she did not sufficiently comply with Federal Rule of Civil Procedure 65's notice requirements.
2. Plaintiff was not entitled to preliminary injunctive relief because she failed to demonstrate a substantial likelihood of success on the merits.
3. Because a state-court forcible-entry-and-detainer proceeding appeared to be ongoing or, alternatively, could have concluded, Plaintiff's requested federal injunctive relief was likely subject to Younger abstention or the Rooker-Feldman doctrine.

KEY QUOTATIONS

“Rule 65 “must be strictly complied with,””

“Even when service is effected by use of the mail, only a nonparty can place the summons and complaint in the mail.”

FACTUAL BACKGROUND

Plaintiff alleged that she entered into a residential lease with Thirty5 West New LP LLC and that Pegasus Residential LLC was identified as the property manager. She claimed that a financing statement or encumbrance prevented Defendants from collecting rent and sought to require Defendants to establish standing before taking adverse housing action. Plaintiff asserted an imminent risk of eviction, while documents indicated that Thirty5 West New LP LLC had initiated a state-court forcible-entry-and-detainer proceeding on the same day the federal action was filed.

PROCEDURAL HISTORY

Plaintiff filed a federal action arising from a residential lease and sought declaratory and injunctive relief, including an order preventing eviction-related action. The Court previously denied Plaintiff's request for a temporary restraining order without notice. Plaintiff then moved for reconsideration and filed additional

emergency motions. The Court denied all pending motions, concluding that Plaintiff had not complied with Federal Rule of Civil Procedure 65 and had not shown a substantial likelihood of success on the merits.

DISPOSITION

other

CASES CITED

- Com. Sec. Bank v. Walker Bank & Tr. Co., 456 F.2d 1352, 1356 (10th Cir. 1972)
- Truitt v. Bear, No. CIV-19-581-F, 2019 WL 6833722, at *1 (W.D. Okla. Nov. 20, 2019), report and recommendation adopted, No. CIV-19-581-F, 2019 WL 6829961 (W.D. Okla. Dec. 13, 2019)
- Constien v. United States, 628 F.3d 1207, 1213 (10th Cir. 2010)
- Schrier v. Univ. of Colo., 427 F.3d 1253, 1258 (10th Cir. 2005)
- Heideman v. S. Salt Lake City, 348 F.3d 1182, 1188 (10th Cir. 2003)
- Hicks v. Ruiz, No. 223CV00136MLGGJF, 2023 WL 2743492, at *1 (D.N.M. Mar. 31, 2023)
- Cromar v. Powell, No. 220CV00625DBBDAO, 2021 WL 1669610, at *3 (D. Utah Apr. 12, 2021), report and recommendation adopted, No. 220CV00625DBBDAO, 2021 WL 1663689 (D. Utah Apr. 28, 2021)