

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Andrew Isaacs v. Christopher B. Wigand et al.

Isaacs · No. 25-cv-62375-STRAUSS · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of Florida directed Plaintiff Andrew Isaacs to file a procedurally compliant motion if he seeks a temporary restraining order or preliminary injunction concerning state-court child-support contempt proceedings. The Court explained that an ex parte TRO requires compliance with Federal Rule of Civil Procedure 65(b)(1), while a preliminary injunction requires notice under Rule 65(a)(1) and evidentiary support. Plaintiff was ordered to file any such motion, including a memorandum of law, by December 2, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	November 24, 2025
DOCKET	25-cv-62375-STRAUSS
DISPOSITION	other
PROCEDURAL POSTURE	The court sua sponte addressed Plaintiff's request in his complaint for a temporary restraining order and preliminary injunction.
STANDARD OF REVIEW	The court applied the procedural requirements governing temporary restraining orders and preliminary injunctions; it did not adjudicate the merits of Plaintiff's constitutional or statutory claims.
PRECEDENTIAL VALUE	Unknown; district court order addressing procedural compliance with a request for emergency injunctive relief.

TOPICS

- injunctions
- civil procedure
- family law procedure
- due process

PRACTICE AREAS

- civil procedure
- injunctive relief
- family law
- constitutional law

QUESTIONS PRESENTED

1. Whether an unverified complaint containing allegations of imminent incarceration could support a temporary restraining order without notice.
2. Whether Plaintiff's complaint could support a preliminary injunction without notice to all adverse parties and without a motion supported by evidence and legal analysis.
3. What procedural requirements Plaintiff must satisfy if he later seeks emergency injunctive relief.

HOLDINGS

1. A TRO without notice may not issue unless the movant provides specific facts in an affidavit or verified complaint clearly showing that immediate and irreparable injury will occur before the adverse party can be heard, and certifies in writing efforts to provide notice and the reasons notice should not be required.
2. A preliminary injunction may issue only on notice to the adverse party and cannot be granted solely on naked allegations.
3. A pro se litigant must comply with applicable procedural rules and is not excused from the requirements governing emergency injunctive relief.

KEY QUOTATIONS

“However, in order to seek a TRO or a preliminary injunction, Plaintiff must file a motion providing sufficient evidence and legal analysis, and complying with the Federal Rules of Civil Procedure and this Court’s Local Rules, to support the relief he seeks.”

“In short, the Court cannot grant Plaintiff the relief he seeks, at least at this time.”

“The notice requirement implies a hearing in which the defendant is given a fair opportunity to oppose the application and to prepare for such opposition.”

FACTUAL BACKGROUND

Plaintiff alleged that he faced imminent incarceration under a contempt order entered in state-court proceedings arising from asserted child-support obligations. He claimed that the proceedings, contempt order, and threatened incarceration violated various constitutional and statutory provisions. His complaint requested immediate injunctive relief, including a TRO or preliminary injunction, but was unverified and did not provide the required evidentiary support or notice to all adverse parties.

PROCEDURAL HISTORY

Plaintiff filed an unverified complaint against multiple state officials, challenging state-court contempt proceedings relating to child-support obligations and seeking injunctive and declaratory relief. The court determined that the complaint did not satisfy the procedural and evidentiary requirements for emergency injunctive relief and ordered Plaintiff to file any motion for a TRO or preliminary injunction in compliance with the Federal Rules of Civil Procedure and the court's Local Rules.

DISPOSITION

CASES CITED

- Dragados USA, Inc. v. Oldcastle Infrastructure, Inc., No. 20-CV-20601, 2020 WL 733037, at *2 (S.D. Fla. Feb. 13, 2020)
- Vaughan v. Bank of America, N.A., No. CIV.A. 10-0453-KD-N, 2010 WL 3273052, at *1 (S.D. Ala. Aug. 18, 2010)
- McNeil v. United States, 508 U.S. 106, 113 (1993)
- Albra v. Advan, Inc., 490 F.3d 826, 829 (11th Cir. 2007)
- Loren v. Sasser, 309 F.3d 1296, 1304 (11th Cir. 2002)
- Four Seasons Hotels and Resorts, B.V. v. Consorcio Barr, S.A., 320 F.3d 1205, 1210 (11th Cir. 2003)
- Women's Emergency Network v. Bush, 191 F. Supp. 2d 1356, 1361 (S.D. Fla. 2002)
- New Vision Eye Ctr., LLC v. Fla. Eye Inst., PA, No. 09-14441-CIV, 2010 WL 11602458, at *2 (S.D. Fla. Mar. 23, 2010)
- Church of Scientology Flag Service Organization v. City of Clearwater, 777 F.2d 598, 608 (11th Cir. 1985)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 25-cv-62375-STRAUSS ANDREW ISAACS, Plaintiff, v. CHRISTOPHER B. WIGAND et al., Defendants. / ORDER THIS MATTER came before the Court sua sponte. On November 21, 2025, Plaintiff filed his Complaint against multiple state officials. See generally [DE 1].

In the Complaint, Plaintiff details that he faces “imminent” incarceration because of a contempt order entered in state-court proceedings stemming from Plaintiff’s supposed child-support obligations. Id. ¶¶ 1-2. Plaintiff alleges that the proceedings, contempt order, and imminent incarceration are improper under multiple constitutional and statutory provisions.

Id. at ¶¶ 51-73, ¶ 76. Plaintiff’s Complaint thus seeks “injunctive and declaratory relief, including immediate preliminary relief before issuance of a writ on December 14, 2025, seeking to stay incarceration and enjoin Defendants....” Id. ¶ 1. Some of the relief Plaintiff requests includes the entering of a temporary restraining order (“TRO”) or preliminary injunction.

See id. at 24-27. However, in order to seek a TRO or a preliminary injunction, Plaintiff must file a motion providing sufficient evidence and legal analysis, and complying with the Federal Rules of Civil Procedure and this Court’s Local Rules, to support the relief he seeks. Currently, Plaintiff has only filed a Complaint, which is unverified.

Although Plaintiff’s Complaint asks for a TRO or a preliminary injunction, Plaintiff must do more to obtain such relief. For one thing, Plaintiff’s filing does not satisfy necessary procedural rules.¹ For example, if Plaintiff seeks a TRO issued without notice to Defendants, Plaintiff must first

comply with Rule 65(b)(1) by providing “specific facts in an affidavit or a verified complaint clearly show[ing] that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” Fed.

R. Civ. P. 65(b)(1)(A). Further, Plaintiff must “certif[y] in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b)(1)(B); see also *Dragados USA, Inc. v. Oldcastle Infrastructure, Inc.*, No. 20-CV- 20601, 2020 WL 733037, at *2 (S.D. Fla. Feb. 13, 2020) (“The requirements of Rule 65(b)(1) are not merely technical niceties that a court may easily disregard, but rather crucial safeguards of due process.” (quoting *Vaughan v. Bank of Am., NA.*, No. CIV.A.

10-0453-KD-N, 2010 WL 3273052, at *1 (S.D. Ala. Aug. 18, 2010))).² Plaintiff did not sufficiently follow either requirement. First, Plaintiff did not provide specific facts in either an affidavit or verified complaint.

Second, Plaintiff’s certification of his efforts made to give notice to the adverse parties only details an attempted email communication to one of six Defendants—even though all six are adverse parties. See [DE 1] ¶ 12 (“Plaintiff hereby certifies that, on November 20, 2025, he sent an email to Defendant Sally Regueiro with regard to seeking a temporary restraining order without 1 Pro se litigants are required to comply with procedural rules.

See *McNeil v. United States*, 508 U.S. 106, 113 (1993) (“[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.”); *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007) (“[A]lthough [courts] are to give liberal construction to the pleadings of pro se litigants, ‘[courts] nevertheless have required them to conform to procedural rules.’” (citing *Loren v. Sasser*, 309 F.3d 1296, 1304 (11th Cir.

2002))).² Although Rule 65(b)(1)(B) refers to “the movant’s attorney,” the certification requirement applies even if the movant, as here, is proceeding pro se. See, e.g., *Vaughan*, 2010 WL 3273052, at *1 (“[P]ro se status does not excuse [the movant] from the obligation to comply with substantive law and procedural rules, and his failure to provide said information, as required under Rule 65(b)(1)(B), is fatal to his request.”). notice....”).

Given that the writ Plaintiff seeks to enjoin will apparently not issue for three weeks, it is particularly necessary for Plaintiff to explain why an order is warranted without hearing from the adverse parties. Regarding Plaintiff’s request for a preliminary injunction, Rule 65(a) makes clear that “[t]he court may issue a preliminary injunction only on notice to the adverse party.” Fed.

R. Civ. P. 65(a)(1) (emphasis added). “The notice requirement implies a hearing in which the defendant is given a fair opportunity to oppose the application and to prepare for such opposition.” *Four Seasons Hotels and Resorts, B.V. v. Consorcio Barr, S.A.*, 320 F.3d 1205, 1210 (11th Cir.

2003) (citation modified). Yet nothing in the Complaint indicates that all the adverse parties have received notice of Plaintiff's request for a preliminary injunction.

Moreover, the Court cannot grant a preliminary injunction based solely on naked allegations. See *Women's Emergency Network v. Bush*, 191 F. Supp. 2d 1356, 1361 (S.D. Fla. 2002) ("[A] preliminary injunction cannot be entered based on allegations alone."); *New Vision Eye Ctr., LLC v. Fla. Eye Inst., PA*, No. 09- 14441-CIV, 2010 WL 11602458, at *2 (S.D. Fla. Mar.

23, 2010) ("A motion for preliminary injunction must be supported by evidence; a party is not entitled to preliminary injunctive relief 'solely on the basis of its naked allegations.'" (quoting *Church of Scientology Flag Serv. Org. v. City of Clearwater*, 777 F.2d 598, 608 (11th Cir. 1985))).

In short, the Court cannot grant Plaintiff the relief he seeks, at least at this time. Additionally, if and when Plaintiff files a motion for a TRO or preliminary injunction, the motion must comply with the Court's Local Rules, such as by containing a memorandum of law. See S.D. Fla. L.R. 7.1(a)(1) ("Every motion when filed and served shall incorporate a memorandum of law citing supporting authorities, except [for certain motions not applicable here].").

The memorandum of law shall cite authorities that support Plaintiff's argument regarding his entitlement to injunctive relief. /d. For example, from Plaintiff's Complaint, it seems that Plaintiffs theory for relief is largely centered around the idea that the state court that issued the order he protests did so without jurisdiction. See [DE 1] 44. That assertion seems predicated on the idea that the state cannot undertake the type of child-support enforcement it has against Plaintiff due to certain requirements of federal law.

Jd. Any memorandum of law in support of a motion for TRO or preliminary injunction must fully explain these assertions, with citation to the relevant statutes and authority, in addition to any other legal theories on which Plaintiff premises his motion.

Moreover, if Plaintiff desires a ruling on an "emergency" or "expedited" basis, Plaintiff must comply with Local Rule 7.1(d), which discusses the appropriate designation to use. For the foregoing reasons, it is ORDERED and ADJUDGED that: 1. If Plaintiff seeks a TRO or preliminary injunction, Plaintiff shall file a compliant motion (including a memorandum of law) for such relief on an expedited basis no later than December 2, 2025.

2. If Plaintiff chooses to move for a TRO without notice, he must fully comply with Rule 65(b)(1) when filing any such motion. Specifically, Plaintiff must (1) provide specific facts in an affidavit or a verified complaint that clearly show that immediate injury, loss, or damage will result to him before Defendants can be heard in opposition and (2) detail how he attempted to give notice to all Defendants (and why notice should not be required).

3. If Plaintiff chooses to move for a preliminary injunction, he is responsible for providing notice to Defendants of any such motion, as required by Rule 65(a)(1). DONE AND ORDERED in Fort Lauderdale, Florida, this 24th day of November 2025. United States Magistrate Judge

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