

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, HARRISONBURG DIVISION

Kimberly Wood v. Shenandoah County Board of Supervisors et al.

Civil Action No. 5:26-cv-00055 (W.D. Va. May 13, 2026) · No. 5:26-cv-00055 · Decided May 13, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Kimberly Wood’s application to proceed in forma pauperis but denies her motions for a temporary restraining order and preliminary injunction. The court concludes that Wood failed to satisfy the notice requirements for a Rule 65(b) TRO and did not make the required clear showing of likely success on the merits or irreparable harm. The underlying allegations concern purportedly defective land records, tax parcel identifiers, and an attempted foreclosure of her property.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Harrisonburg Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Harrisonburg Division
DECIDED	May 13, 2026
DOCKET	5:26-cv-00055
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis and for a temporary restraining order and preliminary injunction in an action involving alleged irregularities in property records and foreclosure proceedings.
STANDARD OF REVIEW	A movant seeking a temporary restraining order without notice must satisfy Federal Rule of Civil Procedure 65(b)(1), including a showing through specific facts of immediate and irreparable injury and written certification concerning notice. A preliminary injunction requires a clear showing of likelihood of success on the merits and likely irreparable harm, along with consideration of the balance of equities and the public interest.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive only

PARTIES

Kimberly Wood v. Shenandoah County Board of Supervisors et al.

TOPICS

injunctions

foreclosure

equitable relief

civil procedure

constitutional law

PRACTICE AREAS

civil procedure

real estate litigation

constitutional law

municipal law

equitable remedies

QUESTIONS PRESENTED

1. Whether Wood satisfied the procedural requirements for a temporary restraining order without notice under Federal Rule of Civil Procedure 65(b)(1).
2. Whether Wood established the four Winter factors required for a preliminary injunction.
3. Whether Wood made a clear showing of likely success on the merits and likely irreparable harm based on her allegations and submitted evidence.
4. Whether Wood was entitled to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).

HOLDINGS

1. A movant seeking a temporary restraining order without notice must identify specific facts showing immediate and irreparable injury before the adverse party can be heard and must provide written certification of efforts to give notice and reasons notice should not be required. Wood satisfied neither requirement, so the TRO was denied.
2. A preliminary injunction requires a clear showing of likelihood of success on the merits, likely irreparable harm, a favorable balance of equities, and consistency with the public interest. Wood failed to make the required showing, so preliminary injunctive relief was denied.
3. A plaintiff seeking a preliminary injunction generally cannot rely solely on allegations in the complaint but must present evidence showing a likelihood of success on the merits.
4. Wood was entitled to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1) based on the representations in her application.

KEY QUOTATIONS

“A plaintiff seeking a preliminary injunction generally cannot rely on mere allegations in the complaint but must come forward with some evidence showing a likelihood of success on the merits.”

“Even when liberally construing Wood’s pro se filings, the court is unable to find that she is entitled to the “extraordinary remedy” of a preliminary injunction.”

FACTUAL BACKGROUND

Wood sought to enjoin alleged foreclosure-related conduct involving her home and asserted that government officials and other entities were using fraudulent land records, manipulating tax-map identifiers and benefit

programs, and relying on defective title information. Her filings referred to a purported “Shadow Parcel” and alleged conspiracies involving property parcels, but the attached deeds, surveys, foreclosure documents, county reports, and related communications did not substantiate those allegations. A foreclosure notice identified Tax ID 016A202 as the property subject to sale, while an April 3, 2026 letter stated that Wood was not a borrower on the relevant HECM loan and that Bank of America was not attempting to foreclose on the property.

PROCEDURAL HISTORY

Wood filed a complaint, amended complaint, and motion for a temporary restraining order and preliminary injunction. The court granted leave to proceed in forma pauperis but denied both forms of injunctive relief.

DISPOSITION

other

CASES CITED

- Sci. Sys. & Applications, Inc. v. United States, No. PWG-14-2212, 2014 WL 3672908, at *3 (D. Md. July 24, 2014)
- Heartland, Inc. v. U.S. Postal Serv., No. 3:08-cv-00021, 2008 WL 1711406, at *1 (W.D. Va. Apr. 11, 2008)
- Winter v. Natural Resources Defense Council, 555 U.S. 7, 20-23 (2008)
- Direx Israel, Ltd. v. Breakthrough Med. Corp., 952 F.2d 802, 811-12 (4th Cir. 1991)
- Di Biase v. SPX Corp., 872 F.3d 224, 230 (4th Cir. 2017)
- Real Truth About Obama, Inc. v. Fed. Election Comm’n, 575 F.3d 342, 345, 347 (4th Cir. 2009), vacated on other grounds by 559 U.S. 1089 (2010), reinstated in relevant part on remand by 607 F.3d 355 (4th Cir. 2010) (per curiam)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Weller v. Dep’t of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990)
- Bing v. Brivo Sys., LLC, 959 F.3d 605, 618 (4th Cir. 2020)
- Mahmoud v. McKnight, 102 F.4th 191, 203 (4th Cir. 2024), rev’d on other grounds by Mahmoud v. Taylor, 606 U.S. 522 (2025)
- Mahmoud v. Taylor, 606 U.S. 522 (2025)
- J.O.P. v. U.S. Dep’t of Homeland Sec., 338 F.R.D. 33, 60 (D. Md. 2020)
- Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 975 (2d Cir. 1989)
- Parker v. Am. Brokers Conduit, No. CV JKB-15-3652, 2015 WL 7751664, at *2 (D. Md. Dec. 1, 2015)

OPINION

Wood

PER CURIAM.

FILED

May 13, 2026

LAURA A. AUSTIN, CLERK

IN THE UNITED STATES DISTRICT COURT in

POR THE WESTERN DISTRICT OF VIRGINIA

HARRISONBURG DIVISION

Kimberly Wood,)) Plaintiff,)) v.) Crvil Action No. 5:26-cv-00055) Shenandoah County Board
of Supervisors) et)) Defendants.)

MEMORANDUM OPINION AND ORDER

This matter is before the court on pro se Plaintiff Kimberly Wood’s motion for leave to proceed *én forma pauperis*, (Dkt. 2), and motion for a temporary restraining order (“TRO”) and preliminary injunction, (Dkt. 6). Based on Wood’s representations in her application, (see Dkt. 2), the court will grant her motion for leave to proceed *im forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1). However, for the reasons that follow, the court will deny Wood’s TRO and preliminary injunction motion. This is not the first TRO motion Wood has filed in this court seeking to enjoin numerous individuals and entities from foreclosing on her home. (See Pl.’s Mot. for Prelim. Inj., *Wood v. Cohn, Goldberg & Deutsch LLC et al.*, No. 5:25-cv-00135 (W.D. Va. Dec. 4, 2025), Dkt. 3; Mot. for TRO, *Wood v. Bank of America N.A. et al.*, No. 5:26-cv-00008 (W.D. Va. Jan. 20, 2026), Dkt. 3.) This time, Wood seeks preliminary injunctive relief against the same Defendants named in her earlier cases as well as an array of new individuals and entities, many of whom are Shenandoah County officials. (See Dkt. 4 at 4-5.) Federal Rule of Civil Procedure 65(b) authorizes courts, in limited circumstances, to issue a TRO without notice to adverse parties or their attorneys. Fed. R. Civ. P. 65(b)(1). A party seeking a TRO under Rule 65(b) must satisfy two procedural requirements. *Id.* First, the movant must point to “specific facts in an affidavit or a verified complaint [that] clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” *Id.* 65(b)(1)(A). Second, the “movant’s attorney [must] certif[y] in writing any efforts made to give notice and the reasons why it should not be required.” *Id.* 65(b)(1)(B); see *Sci. Sys. & Applications, Inc. v. United States*, No. PWG-14-2212, 2014 WL 3672908, at *3 (D. Md. July 22, 2014) (“[T]he movant [herself], in the case of a pro se party, must certify in writing any efforts made to give notice and the reasons why it should not be required.” (cleaned up)). Wood does not mention any efforts made to give notice to the named defendants. Nor does she give any reasons why notice should not be required. Accordingly, the court will deny her motion for a TRO. See, e.g., *Heartland, Inc. v. U.S. Postal Serv.*, No. 3:08-cv- 00021, 2008 WL 1711406, at *1 (W.D. Va. Apr. 11, 2008) (concluding that motion for a Rule 65(b) temporary restraining order was deficient when movant “fail[ed] to offer any reason why notice should not be required”). A plaintiff need not fulfill these TRO procedural requirements when seeking a preliminary injunction with notice to the adverse party. Still, the plaintiff must establish that all four factors delineated in *Winter v. Natural Resources Defense Council* support granting a preliminary injunction to obtain such relief. 555 U.S. 7, 20 (2008); see *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 812 (4th Cir. 1991). Pursuant to

Winter, Wood must demonstrate (1) that she is likely to succeed on the merits; (2) that she is likely to suffer irreparable harm without preliminary relief; (3) that the balance of equities tips in her favor; and (4) that an injunction is in the public interest. Winter, 555 U.S. at 20; see *Di Biase v. SPX Corp.*, 872 F.3d 224, 230 (4th Cir. 2017). The plaintiff must make a “clear showing” that she is both likely to succeed on the merits and likely to be irreparably harmed absent injunctive relief. *Real Truth About Obama, Inc. v. Fed. Election Comm’n*, 575 F.3d 342, 345, 347 (4th Cir. 2009), vacated on other grounds by 559 U.S. 1089 (2010), reinstated in relevant part on remand by 607 F.3d 355 (4th Cir. 2010) (per curiam); see Winter, 555 U.S. at 20–23. The court must liberally construe documents filed by a pro se party. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). However, liberal construction “does not transform the court into an advocate” for pro se parties. *Weller v. Dep’t of Soc. Servs.*, 901 F.2d 387, 391 (4th Cir. 1990). Pro se parties, like all litigants, must comply with the requirements in the Federal Rules of Civil Procedure. *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 618 (4th Cir. 2020). Here, Wood’s vague, conclusory, and disjointed allegations in her complaint, amended complaint, and motion for preliminary injunction do not clearly show that she is likely to succeed on the merits. Even when liberally construing Wood’s pro se filings, the court is unable to find that she is entitled to the “extraordinary remedy” of a preliminary injunction. *Direx Israel*, 952 F.2d at 811. “[A] plaintiff seeking a preliminary injunction generally cannot rely on mere allegations in the complaint but must come forward with some evidence showing a likelihood of success on the merits.” *Mahmoud v. McKnight*, 102 F.4th 191, 203 (4th Cir. 2024), rev’d on other grounds *Mahmoud v. Taylor*, 606 U.S. 522 (2025); see *J.O.P. v. U.S. Dep’t of Homeland Sec.*, 338 F.R.D. 33, 60 (D. Md. 2020) (“[M]erely providing sufficient factual allegations to meet the Fed. R. Civ. P. 12(b)(6) standard of *Twombly* and *Iqbal* does not show a likelihood of success on the merits.” (cleaned up)). Here, Wood’s amended complaint makes speculative and unsubstantiated allegations that federal and state officials are, among other things, “maintain[ing] an unauthorized duplicate tax map identifier,” “manipulat[ing] federal benefit programs,” “using fraudulent land records,” and relying on defective title. (Dkt. 4 at 2, 7.) Even when considering Wood’s original complaint in conjunction with her amended complaint, the court is unable to piece together sufficient factual allegations or evidence to find that Wood is likely to show that any defendants have violated any of the numerous statutes and constitutional provisions Wood references in her complaints, including the Fifth Amendment takings clause, Racketeer Influenced and Corrupt Organizations (“RICO”) Act, and Fifth or Fourteenth Amendment due process clauses. (See Dkt. 4 at 2, 7; Dkt. 1 at 8–10.) To the extent that Wood argues the county officials conspired or relied on fraudulent parcels to initiate an invalid foreclosure proceeding, her exhibits do not provide any support for these conclusory claims. Her attachments—showing the deeds and deeds of trust for her property, (Dkt. 4-2 at 1–4; Dkts. 4-4, 4-5); surveys of the property, (Dkt. 4-2 at 5–6; Dkt. 4- 3); assignment to the Secretary of Housing and Urban Development, (Dkt. 4-6); Shenandoah County reports for Wood’s property and for surrounding properties, (Dkt. 4-7–4-10); foreclosure documents, (Dkt. 4-11); and CFPB-related

communications, (Dkt. 4-12)— contain no evidence to support Wood’s many claims. Contrary to her obscure claims about a “Shadow Parcel” or how other individual’s parcels have led to foreclosure on her property, (see Dkt. 1 at 11–12), the public records and exhibits attached to her complaint show nothing to corroborate these claims. Further, the “Notice of Default and Foreclosure Sale” attachment clearly identifies Tax ID 016A202 as the property subject to foreclosure sale. (See Dkt. 4-11 at 2.) Although the first Winter factor is dispositive in this case, the court notes that the second factor also precludes preliminary injunctive relief. Wood has made no clear showing that she faces an “actual and imminent” threat of irreparable harm in the absence of the requested preliminary injunction. *Direx Israel*, 952 F.2d at 812 (quoting *Tucker Anthony Realty Corp. v. Schlesinger*, 888 F.2d 969, 975 (2d Cir. 1989)). Wood attaches the “Notice of Default and Foreclosure Sale” from November 2025, but the current stage of foreclosure proceedings is unclear, as the notice states that Wood’s property will be sold on December 19, 2025.¹ (See Dkt. 4-11 at 2); see also *Parker v. Am. Brokers Conduit*, No. CV JKB-15-3652, 2015 WL 7751664, at *2 (D. Md. Dec. 1, 2015) (finding no demonstration of irreparable harm where it was “unclear from the face of his complaint whether foreclosure proceedings have actually commenced or, if so, which party or parties seek to foreclose”). In fact, the attached letter from McGuireWoods on behalf of Bank of America addressed to Wood, and dated April 3, 2026, states information that conflicts with Wood’s claims of impending foreclosure: (1) that Wood is “not a borrower on” the HECM loan covering 432 Beeler Drive, Wood’s home; and (2) that “Bank of America is not attempting to foreclose on the Property.” (Dkt. 4-12 at 2.) Wood’s conflicting allegations and evidence do not suffice to make out a clear showing that she faces irreparable hardship in the absence of preliminary injunctive relief. 1 To the extent that the foreclosure sale has already passed, the portions of Wood’s claims seeking to “enjoin the foreclosure sale” may be moot. (See Dkt. 4 at 7.) Accordingly, the court GRANTS Wood’s application for leave to proceed im forma pauperis, (Dkt. 2), and DENIES her motion for a TRO and preliminary injunction, (Dkt. 6). The Clerk is directed to forward a copy of this Order to Wood. IT IS SO ORDERED. ENTERED this 13th day of May, 2026.

HON. JASMINE H. YOON

UNITED STATES DISTRICT JUDGE

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