

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Kelly Warfield v. Jared Hettich, a/k/a Jerry, Individual and Official Capacity; Troy Ponto, Individual and Official Capacity; Sam Yost, Individual and Official Capacity; Eric Timmerman, Individual and Official Capacity; Cory Ambrose, Individual and Official Capacity; Officer Rodriquez, Individual and Official Capacity; Officer Allen, Individual and Official Capacity; Officer Jones, Individual and Official Capacity; Derek Ekeren, Individual and Official Capacity; Ian Packer, Individual and Official Capacity; Caleb Evans, Individual and Official Capacity; Jess Boysen, Individual and Official Capacity; Jane Does, Individual and Official Capacity; John Does, Individual and Official Capacity; Teresa Bittinger, Individual and Official Capacity; Kellie Wasko, Individual and Official Capacity, along with all staff; Officer Wines, Individual and Official Capacity; Jake Hofer, a/k/a Jack Hofer, Individual and Official Capacity; Donald Williams, Individual and Official Capacity; Amber Pirraglia, Individual and Official Capacity; Daniel Sullivan, Individual and Official Capacity; Officer Struicksma, Individual and Official Capacity; Charles Dombeck, Wisconsin DOC Staff, Individual and Official Capacity; Jeremy Beck, Wisconsin DOC Staff, Individual and Official Capacity; Officer Katze, Wisconsin DOC Staff, Individual and Official Capacity; Seth Hughes, Individual and Official Capacity; Sgt. Dalass, Wisconsin DOC Staff, Individual and Official Capacity; Jermaine Robinson, Individual and Official Capacity

SUMMARY

The United States District Court for the District of South Dakota denied Kelly Warfield’s motion to amend pleadings, construing it as a renewed motion for a temporary restraining order. The court held that claims concerning conditions at South Dakota prisons were moot after Warfield’s transfer and that the Dataphase factors did not support an order requiring his return to South Dakota or prohibiting alleged retaliation.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Eric C. Schulte
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	February 25, 2026
DOCKET	4:24-CV-04049-ECS
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved to amend his pleadings and submitted a proposed amended motion for a temporary restraining order. The court construed the motion as a new motion for a temporary restraining order and denied it.
STANDARD OF REVIEW	The court evaluated the request for temporary restraining relief under the four Dataphase factors: irreparable harm, balance of harms, likelihood of success on the merits, and the public interest.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kelly Warfield v. Jared Hettich, Troy Ponto, Sam Yost, Eric Timmerman, Cory Ambrose, Officer Rodriquez, Officer Allen, Officer Jones, Derek Ekeren, Ian Packer, Caleb Evans, Jess Boysen, Jane Does, John Does, Teresa Bittinger, Kellie Wasko, Officer Wines, Jake Hofer, Donald Williams, Amber Pirraglia, Daniel Sullivan, Officer Struicksma, Charles Dombeck, Jeremy Beck, Officer Katze, Seth Hughes, Sgt. Dalass, Jermaine Robinson

TOPICS

- injunctions
- motion to amend
- prisoners rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prison litigation

injunctive relief

QUESTIONS PRESENTED

1. Whether a motion to amend pleadings may be used to amend a motion for a temporary restraining order when a temporary restraining order is not a pleading under Federal Rule of Civil Procedure 7(a).
2. Whether Warfield's requests for injunctive relief concerning conditions at South Dakota prisons were moot after his transfer to an out-of-state prison.
3. Whether Warfield was entitled to temporary restraining or preliminary injunctive relief requiring his return to South Dakota based on the Dataphase factors.
4. Whether Warfield could obtain preliminary injunctive relief against contractors or entities not named as defendants without establishing a relationship between the alleged injury and the conduct asserted in the complaint.

HOLDINGS

1. Because a motion for a temporary restraining order is not a pleading under Federal Rule of Civil Procedure 7(a), the court construed Warfield's motion to amend as a new motion for a temporary restraining order.
2. Warfield's requests for injunctive relief related to conditions at South Dakota prisons were moot because he had been transferred and was no longer subject to those conditions.
3. Warfield was not entitled to temporary restraining or preliminary injunctive relief requiring defendants to return him to South Dakota because the Dataphase factors did not favor the requested relief.
4. Warfield could not obtain the requested preliminary injunctive relief against the Florida Department of Corrections or other contractors without establishing a relationship between the injury claimed in the motion and the conduct asserted in the complaint.

KEY QUOTATIONS

“a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint” (Doc. 42-1 at 18)

“To succeed in demonstrating a threat of irreparable harm, a party must show that the harm is certain and great and of such imminence that there is a clear and present need for equitable relief.” (Opinion text)

FACTUAL BACKGROUND

Warfield was formerly incarcerated at the South Dakota State Penitentiary and was later transferred to the Florida State Prison. His motions challenged prison conditions and sought injunctive relief, including relief concerning alleged retaliation and a return to South Dakota custody. The defendants asserted that returning Warfield to South Dakota posed a significant danger because he had allegedly assaulted or threatened staff and other inmates.

PROCEDURAL HISTORY

Warfield, formerly incarcerated at the South Dakota State Penitentiary, previously filed two essentially identical motions for a temporary restraining order. The court denied those motions because Warfield had been transferred to an out-of-state prison and was no longer subject to the challenged conditions. Warfield then filed the present motion to amend, which sought substantially similar relief and additional relief concerning alleged retaliation, transfer, and prison conditions.

DISPOSITION

denied

CASES CITED

- Devose v. Herrington, 42 F.3d 470, 471 (8th Cir. 1994) (per curiam)
- Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981) (en banc)
- Roudachevski v. All-American Care Ctrs., Inc., 648 F.3d 701, 706 (8th Cir. 2011)
- Goff v. Harper, 60 F.3d 518, 520 (8th Cir. 1995)
- Hosna v. Goose, 80 F.3d 298, 304 (8th Cir. 1996)

OPINION

Warfield

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

KELLY WARFIELD, 4:24-CV-04049-ECS

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION

vs. TO AMEND PLEADINGS

JARED HETTICH, a/k/a Jerry, Individual and Official Capacity; TROY PONTO, Individual and Official Capacity; SAM YOST, Individual and Official Capacity; ERIC TIMMERMAN, Individual and Official Capacity; CORY AMBROSE, Individual and Official Capacity; OFFICER RODRIQUEZ, Individual and Official Capacity; OFFICER ALLEN, Individual and Official Capacity; OFFICER JONES, Individual and Official Capacity; DEREK EKEREN, Individual and Official Capacity; IAN PACKER, Individual and Official Capacity; CALEB EVANS, Individual and Official Capacity; JESS BOYSEN, Individual and Official Capacity; JANE DOES, Individual and Official Capacity; JOHN DOES, Individual and Official Capacity; TERESSA BITTINGER, Individual and Official Capacity; KELLIE WASKO, Individual and Official Capacity, along with all staff; OFFICER WINES, Individual and Official Capacity; JAKE HOFER, a/k/a Jack Hofer, Individual and Official Capacity; DONALD WILLIAMS, Individual and Official Capacity;

AMBER PIRRAGLIA, Individual and Official Capacity; DANIEL SULLIVAN, Individual and Official Capacity; OFFICER STRUICKSMA, Individual and Official Capacity; CHARLES DOMBECK, Wisconsin DOC Staff, Individual and Official Capacity; JEREMY BECK, Wisconsin DOC Staff, Individual and Official Capacity; OFFICER KATZE, Wisconsin DOC Staff, Individual and Official Capacity; SETH HUGHES, Individual and Official Capacity; SGT. DALASS, Wisconsin DOC Staff, Individual and Official Capacity; JERMAINE ROBINSON, Individual and Official Capacity, Defendants. Plaintiff Kelly Warfield, a former inmate at the South Dakota State Penitentiary,¹ filed two essentially identical motions for temporary restraining order. Docs. 21, 22. This Court denied the motions for temporary restraining order because Warfield was transferred to an out- of-state prison and no longer subjected to the conditions that allegedly violated his constitutional rights. Doc. 35. Warfield now filed a “Motion to Amend Pleadings,” in which he seeks leave to amend his motion for temporary restraining order and filed a proposed amended motion for temporary restraining order with a multitude of exhibits. Docs. 42, 42-1, 42-2. Because a motion for temporary restraining order is not a pleading, see Fed. R. Civ. P. 7(a), this Court liberally construes Warfield’s motion as a new motion for temporary restraining order. Warfield’s new motion for temporary restraining order largely requests the same or similar relief as his prior motions.² See Docs. 21, 22, 42-1. Akin to Warfield’s prior motions for temporary restraining order, his requests for injunctive relief related to his conditions at South Dakota prisons are moot because he has been transferred and is no longer subject to those conditions. Doc. 35 at 7. 1 At the time Warfield filed his Original Complaint, he was incarcerated at the South Dakota State Penitentiary. Doc. 1 at 20. Warfield has since been transferred to the Florida State Prison. Doc. 29; Doc. 53 at 4. 2 In his current motion for temporary restraining order, Warfield now attempts to seek preliminary injunctive relief against the State of South Dakota’s contractors—particularly the Florida Department of Corrections, which is not named as a defendant. Doc. 42-1 at 17–18; Doc. 36 at 1. The request is denied because “a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint,” which Warfield fails to do. *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) (per curiam). The only completely new relief Warfield requested is that this Court enter an order preventing Defendants or their staff from engaging in any perceived or future retaliation, such as, but not limited to such, out-of-state transfers from South Dakota, if such should occur, required [sic] the defendants to remand Warfield back into their custody to be incarcerated at the South Dakota State Penitentiary, in which he would receive all his South Dakota legal supplies and property, in Sioux Falls, South Dakota. Apply this retroactively. Doc. 42-1 at 18 (citation modified). The Court considers the *Dataphase* factors when looking at his new request for a temporary restraining order. The *Dataphase* factors are: (1) the threat of irreparable harm to the movant; (2) the balance between that harm and the injury that granting the injunction will inflict on the other interested parties; (3) the probability the movant will succeed on the merits; and (4) whether the injunction is in the public interest. *Dataphase Sys., Inc. v. C L Sys.,*

Inc., 640 F.2d 109, 113 (8th Cir. 1981) (en banc). Here, Warfield does not address the Dataphase factors, nor does he cite to any case law supporting his request. Based on this Court's review of Warfield's filing, this Court finds that the Dataphase factors do not favor requiring Defendants to return Warfield to South Dakota. "To succeed in demonstrating a threat of irreparable harm, a party must show that the harm is certain and great and of such imminence that there is a clear and present need for equitable relief." *Roudachevski v. All-American Care Ctrs., Inc.*, 648 F.3d 701, 706 (8th Cir. 2011) (internal citation omitted). Warfield attached to his motion many grievances indicating conditions causing him concern in Florida, but Warfield has not shown that any threat of irreparable harm he faces in Florida prisons would be remedied by transfer back to South Dakota because many of the conditions he described in his motion that pose a threat of irreparable harm occurred at the South Dakota State Penitentiary. See generally Docs. 42-1, 42-2. The Defendants indicate that the danger of having Warfield in custody in South Dakota is great because he has allegedly assaulted and engaged in other threatening behavior toward staff and other inmates on many different occasions. Docs. 46, 46-1. Warfield has not shown that he is likely to succeed on the merits. He has also not shown that in this instance public interest favors this Court intervening into prison administration. Courts generally defer to prison administrators on the safest way to operate prison systems. See *Goff v. Harper*, 60 F.3d 518, 520 (8th Cir. 1995); *Hosna v. Goose*, 80 F.3d 298, 304 (8th Cir. 1996). Thus, Warfield's motion for temporary restraining order, Doc. 42, is denied. Accordingly, it is ORDERED that Warfield's motion to amend pleadings and motion for a temporary restraining order, Doc. 42, is denied. DATED this 25th day of February, 2026. BY THE COURT: Zk Ahab ERICC.SCHULTE ☐☐ si—itsi““—s~s~—~S
UNITED STATES DISTRICT JUDGE