

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)