

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Martin P. Sheehan v. West Virginia Judicial Investigation
Commission, et al.

Sheehan · No. 2:26-cv-00180 · Decided April 1, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia denied Martin P. Sheehan’s motion for a temporary restraining order and preliminary and permanent injunctions. The court held that the challenged West Virginia judicial-conduct provisions concerning statements about pending or impending matters and pledges or promises were not unconstitutional prior restraints and were narrowly tailored to serve the state’s compelling interest in judicial impartiality; it also found no clear showing of irreparable harm or that the remaining injunction factors favored Plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Thomas E. Johnston
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 1, 2026
DOCKET	2:26-cv-00180
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a temporary restraining order and preliminary and permanent injunction against enforcement of West Virginia Judicial Code Rule 4.1(A)(10) and (A)(11), alleging that the rules violated his First Amendment rights during his judicial campaign.
STANDARD OF REVIEW	A temporary restraining order is governed by the same standard as a preliminary injunction. The plaintiff must make a clear showing of likelihood of success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	Unknown
PARTIES	Martin P. Sheehan v. West Virginia Judicial Investigation Commission, Teresa Tarr

TOPICS

first amendment free speech election law equitable relief civil rights

PRACTICE AREAS

constitutional law civil rights election law injunctive relief

QUESTIONS PRESENTED

1. Whether Rules 4.1(A)(10) and (A)(11) constitute unconstitutional prior restraints on speech.
2. Whether Rules 4.1(A)(10) and (A)(11) violate the First Amendment under strict scrutiny and the Supreme Court's decision in *Republican Party of Minnesota v. White*.
3. Whether Plaintiff satisfied the four-factor standard for a temporary restraining order or preliminary injunction.

HOLDINGS

1. The rules are not prior restraints because they provide for discipline only after speech occurs and do not require a judicial candidate to obtain advance permission or approval before speaking.
2. Rule 4.1(A)(10) is narrowly tailored to serve West Virginia's compelling interest in preserving judicial impartiality and therefore Plaintiff was unlikely to succeed on his First Amendment challenge to that rule.
3. Rule 4.1(A)(11) is narrowly tailored to serve West Virginia's compelling interest in judicial impartiality and does not violate the First Amendment on the basis asserted by Plaintiff.
4. Plaintiff failed to establish any of the required Winter factors by a clear showing and was not entitled to a temporary restraining order or preliminary injunction.

KEY QUOTATIONS

“A prior restraint is a legal order forbidding speech ‘issued in advance of the time that [the speech will] occur.’” (at 5)

“Consequently, Plaintiff is unlikely to succeed on the merits of his First Amendment claim under White.” (at 11)

“For the reasons discussed herein, The Court DENIES the Motion for a Temporary Restraining Order and/or a Preliminary and Permanent Injunction.” (at 13)

FACTUAL BACKGROUND

Martin P. Sheehan was a candidate for the West Virginia Supreme Court of Appeals in the May 2026 primary election. As a judicial candidate, he was subject to Canon 4 of the West Virginia Code of Judicial Conduct, including Rule 4.1(A)(10), restricting statements reasonably expected to affect the outcome or fairness of pending or impending matters, and Rule 4.1(A)(11), restricting pledges, promises, or commitments inconsistent with impartial adjudication. Sheehan alleged that enforcement of those rules would restrict his campaign speech,

but defendants were not investigating him or pursuing an enforcement action, and he did not identify speech he specifically intended to make or sanctions likely to be imposed.

PROCEDURAL HISTORY

Sheehan filed this federal civil-rights action and moved for emergency and permanent injunctive relief. Defendants responded, the court held a hearing on March 25, 2026, and the matter became ripe for adjudication. The court denied the motion.

DISPOSITION

other

CASES CITED

- Courtland Co. v. Union Carbide Corp., No. 2:21-cv-00101, 2021 WL 1255416, at *7 (S.D. W. Va. Apr. 5, 2021)
- Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346 (4th Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010), remanded to, 607 F.3d 355 (4th Cir. 2010)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Imagine Medispa, LLC v. Transformations, Inc., 999 F. Supp. 2d 862, 868 (S.D. W. Va. 2014)
- Ctr. for Individual Freedom, Inc. v. Ireland, No. 1:08-00190, 2008 WL 1837324, at *2 (S.D. W. Va. Apr. 22, 2008)
- Newsom ex rel. Newsom v. Albemarle County School Board, 354 F.3d 249, 254-255 (4th Cir. 2003)
- Aamer v. Obama, 742 F.3d 1023 (D.C. Cir. 2014)
- Jones v. Caruso, 569 F.3d 258, 277 (6th Cir. 2009)
- Bird v. Bonta, 81 F.4th 1036, 1040 (9th Cir. 2023)
- Environmental Protection Information Center v. Carlson, 968 F.3d 985, 989 (9th Cir. 2020)
- Bruce & Tanya & Assocs., Inc. v. Bd. of Supervisors of Fairfax Cty., 854 Fed. App'x 521, 525 (4th Cir. 2021)
- Alexander v. United States, 509 U.S. 544, 550 (1993)
- Nat'l Fed. of the Blind v. F.T.C., 420 F.3d 331, 350 n.8 (4th Cir. 2005)
- In re Boso, 921 S.E.2d 679, 687 (W. Va. 2025)
- Citizens United v. Federal Election Commission, 558 U.S. 310, 335 (2010)
- Republican Party of Minnesota v. White, 536 U.S. 765, 769, 773-775, 780, 783, 787-788 (2002)
- Williams-Yulee v. Florida Bar, 575 U.S. 433, 435, 437, 443-446 (2015)
- Caperton v. A. T. Massey Coal Co., 556 U.S. 868, 889 (2009)
- Clements v. Fashing, 457 U.S. 957, 968 (1982)
- Brown v. Hartlage, 464 U.S. 45, 54 (1982)
- Mountain Valley Pipeline, LLC v. 6.56 Acres of Land, Owned by Sandra Townes Powell, 915 F.3d 197, 216 (4th Cir. 2019)
- Direx Israel, Ltd. v. Breakthrough Medical Group, 952 F.2d 802, 812 (4th Cir. 1991)

- In re Callaghan, 796 S.E.2d 604, 622 (W. Va. 2017)
- Pierce v. North Carolina State Board of Elections, 97 F.4th 194, 225 (4th Cir. 2024)
- AFSCME, 2025 WL 1249608, at *63
- Continental Group Inc. v. Amoco Chems. Corp., 614 F.2d 351, 356-357 (3d Cir. 1980)

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