

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

Warfield v. Wines et al.

No. 4:26-CV-04075-CCT (D.S.D. May 22, 2026) · No. 4:26-CV-04075-CCT · Decided May 22, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Kelly Warfield’s motion for a temporary restraining order in his pro se civil rights action against South Dakota and Florida corrections officials and other defendants. The court found that Warfield did not comply with Federal Rule of Civil Procedure 65(b)’s notice-certification requirement and sought mandatory relief that would not preserve the status quo. The court also ordered Warfield to show cause within 30 days why his complaint should remain under seal.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Camela C. Theeler
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	May 22, 2026
DOCKET	4:26-CV-04075-CCT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se prisoner, moved for a temporary restraining order in a pending § 1983 civil-rights action. The court denied the motion and ordered plaintiff to show cause why his complaint should remain under seal.
STANDARD OF REVIEW	Temporary restraining order and preliminary-injunction standards under Federal Rule of Civil Procedure 65, including the heightened standard for mandatory preliminary relief.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Kelly Warfield v. Officer Wines et al.

TOPICS

injunctions

civil procedure

prisoners rights

section 1983

procedural due process

PRACTICE AREAS

civil procedure

prisoner civil rights

injunctive relief

constitutional law

QUESTIONS PRESENTED

1. Whether Warfield satisfied Federal Rule of Civil Procedure 65(b)'s requirements for an ex parte temporary restraining order.
2. Whether the requested relief was proper preliminary relief when it would affirmatively alter the status quo and substantially provide the relief sought in the complaint.
3. Whether the requested injunction complied with the Prison Litigation Reform Act's requirements that prison-related preliminary relief be narrowly drawn and minimally intrusive.
4. Whether the court should deny relief because Warfield had not addressed mootness of his official-capacity claims against South Dakota officials or personal jurisdiction over Florida officials.

HOLDINGS

1. A temporary restraining order without notice may not issue when the movant fails to certify in writing the efforts made to provide notice and why notice should not be required.
2. Mandatory preliminary relief that affirmatively changes the status quo and substantially grants the relief sought on the merits is subject to a particularly demanding standard and should be granted sparingly.
3. Preliminary injunctive relief in a prison case must be narrowly drawn, extend no further than necessary to correct the harm requiring relief, and use the least intrusive means necessary.

KEY QUOTATIONS

"A temporary restraining order under Rule 65(b) is to prevent immediate and irreparable harm and typically to preserve the status quo until the Court can hear from both sides."

"But where the injunction, like the one requested by [Warfield], is mandatory ... like a mandamus, such relief should be granted sparingly."

"Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm."

FACTUAL BACKGROUND

Warfield, formerly incarcerated in South Dakota and then transferred to a Florida correctional facility, alleged that the transfer was retaliatory and that he was denied medical care, a special diet, legal materials, and access to legal research. He also alleged that other inmates assaulted him in Florida and that Florida officials or staff posed continuing threats of physical harm. He sought an order returning him to South Dakota, restoring medical treatment and legal materials, and prohibiting retaliation.

PROCEDURAL HISTORY

Warfield filed a civil-rights complaint against South Dakota and Florida corrections officials and moved for a temporary restraining order. The court denied the motion because Warfield did not comply with Federal Rule of Civil Procedure 65(b)'s notice-certification requirement and, independently, sought mandatory relief that would not preserve the status quo. The court also directed him to show cause within 30 days why the complaint should remain under seal.

DISPOSITION

other

CASES CITED

- *Inst. for Free Speech v. Jackley*, 340 F. Supp. 3d 853, 858 (D.S.D. 2018)
- *Bennett v. Dr. Pepper/Seven Up, Inc.*, 295 F.3d 805, 808 (8th Cir. 2002)
- *Carman v. Treat*, 7 F.3d 1379, 1381 (8th Cir. 1993)
- *Matthews v. Iowa State Penitentiary*, No. 4:17-CV-00190-RGE-HCA, 2017 WL 11511637, at *2-*3 (S.D. Iowa June 28, 2017)
- *Kirk of Family Engel v. Volker*, No. 8:25CV390, 2025 WL 1664311, at *2 (D. Neb. June 11, 2025)
- *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 n.5 (8th Cir. 1981) (en banc)
- *Noem v. Haaland*, 542 F. Supp. 3d 898, 911 (D.S.D. 2021)
- *United Indus. Corp. v. Clorox Co.*, 140 F.3d 1175, 1179 (8th Cir. 1998)
- *Flandreau Santee Sioux Tribe v. U.S. Dep't of Agric.*, 2019 WL 2394256, at *2 (D.S.D. June 6, 2019)
- *Goff v. Harper*, 60 F.3d 518, 520 (8th Cir. 1995)
- *Rogers v. Scurr*, 676 F.2d 1211, 1214 (8th Cir. 1982)
- *Borella v. Black Hills Surgical Hosp. L.L.P.*, No. 5:24-CV-05079-KES, 2025 WL 1928074, at *2 (D.S.D. July 14, 2025)
- *Noble v. Am. Nat'l Prop. & Cas. Ins. Co.*, No. 17-CV-5088-JLV, 2018 WL 11235790, at *2 (D.S.D. Apr. 12, 2018)
- *Warfield v. Hettich*, No. 4:24-CV-04049-ECS (D.S.D. 2024)