

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Shakima P. Kelly v. Santander Consumer USA, Inc.

Kelly · No. C.A. No. 26-17-GBW · Decided January 9, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE
SHAKIMA P. KELLY,) Plaintiff, v. C.A. No. 26-17-GBW SANTANDER CONSUMER USA,
INC. Defendant. MEMORANDUM ORDER At Wilmington, this 9th day of January 2026, having
reviewed and considered pro se Plaintiff Shakima P. Kelly’s emergency motion for temporary
restraining order and preliminary injunction (D.I.

4) and emergency motion for immediate release of vehicle and personal property (D.I. 5);
WHEREAS this Court generally only issues a preliminary injunction upon notice to the adverse
party, see FED. R. Crv. P. 65(a)(1); WHEREAS a temporary restraining order may be issued
without written or oral notice to Defendant or defense counsel, but Plaintiff must provide “specific
facts in an affidavit or verified complaint [which] clearly show that immediate and irreparable
injury, loss, or damage will result to [her] before [Defendant] can be heard in opposition,” FED.

R. Civ. P. 65(b)(1)(A), and must “certify in writing any efforts made to give notice and the reasons
why it should not be required,” FED. R. Civ. P. 65(b)(1)(B); WHEREAS a preliminary injunction
or a temporary restraining order is “an extraordinary remedy that should be granted only if: (1) the
plaintiff is likely to succeed on the merits; (2) denial will result in irreparable harm to the plaintiff;
(3) granting the injunction will not result in irreparable harm to the defendant; and (4) granting the
injunction is in the public interest,” *NutraSweet Co. v. Vit-Mar Enterprises, Inc.*, 176 F3d 151, 153
(3d Cir.

1999) (““NutraSweet IT”); WHEREAS the record does not reflect that Defendant has been served
in this case, and Plaintiff has not provided certification of efforts undertaken to inform Defendant
of her motion or reasons why such should not be required; and WHEREAS review of Plaintiff’s
emergency motions (D.I. 4; D.I. 5) and the complaint (D.I. 2) do not suggest that Plaintiff is likely
to succeed on the merits, or that granting the injunction is in the public interest, because Plaintiff
throughout makes bald assertions and draws legal conclusions without sufficient supporting
factual allegations, which the Court is “not required to credit,” *In re Rockefeller Ctr.*

Props., Inc. Sec. Litig., 311 F.3d 198, 216 (3d Cir. 2002); and WHEREAS the foregoing warrants
denial of Plaintiff’s emergency motions without reaching the other elements because “failure to
establish any element in [Plaintiff’s] favor renders a preliminary injunction inappropriate,”
NutraSweet II, 176 F.3d at 153, and the same standard applies for a temporary restraining order,

see id.; THEREFORE, IT IS HEREBY ORDERED that Plaintiff's emergency motion for temporary restraining order and preliminary injunction (D.I.

4) and emergency motion for immediate release of vehicle and personal property (D.I. 5) are DENIED. [fy The Honorable Gregory B. Williams United States District Judge