

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, HARRISONBURG DIVISION

Kimberly Wood v. Bank of America N.A. et al.

Wood · No. 5:26-cv-00023 · Decided April 1, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Kimberly Wood’s motion to proceed in forma pauperis but denies her emergency motion for a temporary restraining order and preliminary injunction. The court concludes that the requested relief against Capital One Auto Finance concerns claims unrelated to the underlying foreclosure action and that Wood has not shown a likelihood of success on the merits or actual and imminent irreparable harm.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Harrisonburg Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Harrisonburg Division
DECIDED	April 1, 2026
DOCKET	5:26-cv-00023
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis and for an emergency temporary restraining order and preliminary injunction barring Capital One Auto Finance from repossessing her vehicle. The district court granted in forma pauperis status and denied injunctive relief.
STANDARD OF REVIEW	A temporary restraining order or preliminary injunction requires a clear showing that the plaintiff is likely to succeed on the merits, likely to suffer irreparable harm without relief, that the balance of equities favors relief, and that an injunction is in the public interest. Failure to establish one factor warrants denial, and the court need not mechanically consider all four factors when one is clearly absent.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

PARTIES

Kimberly Wood v. Bank of America N.A., Nationstar Mortgage LLC
d/b/a Champion Mortgage Company, U.S. Department of Housing and
Urban Development, Compu Link, Cohn, Goldberg & Deutsch, John
Does 1–10

TOPICS

injunctions civil procedure real estate bankruptcy remedies

PRACTICE AREAS

civil procedure injunctive relief real property secured transactions bankruptcy

QUESTIONS PRESENTED

1. Whether Wood could obtain a temporary restraining order or preliminary injunction against Capital One Auto Finance when Capital One was not a party and the proposed injunction concerned claims unrelated to the underlying action.
2. Whether Wood demonstrated a likelihood of success on the merits and a likelihood of irreparable harm sufficient to support preliminary injunctive relief.

HOLDINGS

1. A plaintiff may not obtain a preliminary injunction based on new claims unrelated to the complaint or against an entity that is not a party to the action. Wood therefore could not obtain relief against Capital One Auto Finance based on the vehicle-repossession allegations.
2. Wood failed to establish entitlement to a temporary restraining order or preliminary injunction because she did not show a likelihood of success on the merits or a likelihood of irreparable harm.
3. Wood failed to show a likelihood of success on her due-process and other constitutional claims because she did not allege government involvement, and private entities are generally not subject to constitutional claims absent state action.

KEY QUOTATIONS

“A temporary restraining order (“TRO”) or preliminary injunction under Federal Rule of Civil Procedure 65 is an “extraordinary remed[y]” that should be granted “only sparingly and in limited circumstances.”” (at 2)

“Preliminary injunctive relief “may only be awarded upon a clear showing that the plaintiff is entitled to relief.”” (at 2)

“Because Wood has clearly failed to satisfy the first and second Winter factors, the court need not consider the remaining factors.” (at 5)

FACTUAL BACKGROUND

Wood's amended complaint concerns an inherited property, an allegedly unenforceable Home Equity Conversion Mortgage loan, and an allegedly defective deed of trust. Her later emergency motion instead sought to prevent Capital One Auto Finance from repossessing her 2021 Ram 1500 truck. Wood alleged that Capital One threatened a possible repossession and cited bankruptcy, partial payments, account-access problems, and Virginia's prohibition on repossession by breach of the peace, but she did not allege that Capital One had repossessed the vehicle or that repossession was actual and imminent.

PROCEDURAL HISTORY

Wood originally filed the action in the Circuit Court of Shenandoah County, Virginia, on December 1, 2025. Nationstar removed the action to the Western District of Virginia on February 17, 2026, before it had been served. Wood later moved to enjoin Capital One Auto Finance from repossessing a vehicle, although Capital One was not named as a defendant and was not implicated in the claims in the amended complaint.

DISPOSITION

other

CASES CITED

- Dires Israel, Ltd. v. Breakthrough Medical Corp., 952 F.2d 802, 812, 816 (4th Cir. 1991)
- Variable Annuity Life Insurance Co. v. Coreth, 535 F. Supp. 3d 488, 501 (E.D. Va. 2021)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Maages Auditorium v. Prince George's County, 4 F. Supp. 3d 752, 760 n.1 (D. Md. 2014), aff'd, 681 F. App'x 256 (4th Cir. 2017)
- American Federation of Teachers v. Bessent, 152 F.4th 162, 169 (4th Cir. 2025)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Weller v. Department of Social Services for City of Baltimore, 901 F.2d 387, 391 (4th Cir. 1990)
- Imagine Medispa, LLC v. Transformations, Inc., 999 F. Supp. 2d 862, 867 (S.D.W. Va. 2014)
- Abdullah-Malik v. Bryant, No. 1:14-cv-00109, 2015 WL 225740, at *3 (D.S.C. Jan. 16, 2015)
- Rutledge v. Town of Chatham, No. 4:10-cv-00035, 2010 WL 3835662, at *3 (W.D. Va. Sept. 30, 2010), aff'd sub nom. Rutledge v. Roach, 414 F. App'x 568 (4th Cir. 2011)
- Stout v. Meletis, No. 3:09-cv-00538, 2011 WL 1167471, at *1 n.1 (E.D. Va. Mar. 24, 2011)
- Cooper v. South Carolina, No. CV 3:17-3205, 2017 WL 6388042, at *3 (D.S.C. Dec. 14, 2017)
- Brentwood Academy v. Tennessee Secondary School Athletic Association, 531 U.S. 288, 295 (2001)
- Hurt v. G.C. Murphy Co., 800 F.2d 260, 1986 WL 17434, at *1 (4th Cir. Sept. 11, 1986) (unpublished table opinion) (per curiam)
- Di Biase v. SPX Corp., 872 F.3d 224, 230 (4th Cir. 2017)
- Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 975 (2d Cir. 1989)
- Henderson for NLRB v. Bluefield Hospital Co., LLC, 902 P.3d 432, 439 (4th Cir. 2018)

