

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Braheem Hartley v. Delaware County et al.

Hartley · No. 2:25-cv-03078-JDW · Decided February 26, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania denied Braheem Hartley’s emergency motion for a temporary restraining order, construing it as a motion for a stay pending appeal. The court held that Hartley had not shown a likelihood of success or irreparable harm, and that the remaining factors also weighed against delaying completion of a confirmed Pennsylvania tax sale.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Joshua D. Wolson
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 26, 2026
DOCKET	2:25-cv-03078-JDW
DISPOSITION	other
PROCEDURAL POSTURE	After dismissal of his federal action for lack of subject-matter jurisdiction and while his appeal was pending in the Third Circuit, Hartley moved under Federal Rule of Civil Procedure 65 for an emergency temporary restraining order to halt completion of a state-court-confirmed tax sale. The court construed the filing as a motion for a stay pending appeal under Rule 62 and denied it.
STANDARD OF REVIEW	A stay pending appeal is an extraordinary remedy requiring a very heavy burden. The court balances likelihood of success on the merits, irreparable injury absent a stay, substantial harm to other parties, and the public interest, with the first two factors being the most critical.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum
PARTIES	Braheem Hartley v. Delaware County et al.

TOPICS

- injunctions
- appellate procedure
- civil procedure
- subject matter jurisdiction
- real estate

PRACTICE AREAS

civil procedure

appellate procedure

real estate

remedies

QUESTIONS PRESENTED

1. Whether Hartley's filing, styled as a motion for a temporary restraining order under Rule 65, should be treated as a motion for a stay pending appeal under Rule 62.
2. Whether the district court could grant a pre-judgment temporary restraining order after entering final judgment and while the case was on appeal.
3. Whether Hartley satisfied the four-factor standard for a stay pending appeal.

HOLDINGS

1. A post-judgment request to halt enforcement or completion of the judgment while an appeal is pending is properly treated as a motion for a stay pending appeal under Federal Rule of Civil Procedure 62, rather than as a pre-judgment temporary restraining order under Rule 65.
2. Hartley was not entitled to a stay pending appeal because he failed to satisfy the two most critical factors: a strong likelihood of success on the merits and imminent irreparable injury absent a stay.

KEY QUOTATIONS

“Because Mr. Hartley has not carried the heavy burden required for that extraordinary remedy, I will deny his Motion.” (Introduction)

“Mr. Hartley has not carried his heavy burden to justify the extraordinary remedy of a stay pending appeal.” (Conclusion)

FACTUAL BACKGROUND

Hartley challenged an upset tax sale of his property in the Pennsylvania Court of Common Pleas. The state court denied his petition to set aside the sale and concluded that the Tax Claim Bureau complied with Pennsylvania's Real Estate Tax Sale Law; Hartley did not appeal that ruling. The property was sold in September 2024, and the purchaser paid \$220,000. After the state court confirmed the sale, the Bureau planned to record the deed and distribute the proceeds, prompting Hartley's federal motion.

PROCEDURAL HISTORY

Hartley challenged an upset tax sale in the Pennsylvania Court of Common Pleas, which denied his petition to set aside the sale. He did not directly appeal that ruling, but filed this federal action asserting constitutional and state-law claims arising from the sale. The district court dismissed for lack of subject-matter jurisdiction, denied reconsideration, and Hartley appealed to the Third Circuit. While the appeal was pending, Hartley sought emergency relief to stop recording of the deed and distribution of sale proceeds.

DISPOSITION

other

CASES CITED

- 573 F.2d 835, 846 (3d Cir. 1978)
- 2007 WL 1500046, at *1 (W.D. Pa. May 21, 2007)
- 802 F.3d 558, 568 (3d Cir. 2015)
- 481 U.S. 770, 776 (1987)
- 556 U.S. 418, 434 (2009)
- 272 U.S. 658, 672 (1926)

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