

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

KEVIN N. BASS,
Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER, *et al.*,
Defendants.

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No. 5:25-CV-244-H-BV

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Buried within his amended complaint is pro se Plaintiff Kevin N. Bass's request for a preliminary injunction. Dkt. No. 14 at 18–19.¹ Among other things, Bass asks the Court to (1) direct Texas Tech University Health Sciences Center's registrar to annotate his transcript, and (2) stop unspecified officials from sending messages to hospitals and other entities stating that Bass should not be allowed in their facilities. After considering Bass's request and applicable law, the undersigned recommends that the United States District Judge **DENY** the request without prejudice to his right to request injunctive relief in the future should circumstances change.²

1. Procedural and Factual Background

Bass was enrolled in Texas Tech University Health Sciences Center's (TTUHSC) medical school. *See* Dkt. No. 14 at 9. In November 2023, he made a social media post,

¹ Page citations to Bass's filings refer to the electronic page number assigned by the Court's electronic filing system.

² Bass has not consented to proceed before a magistrate judge. In accordance with 28 U.S.C. § 636(b), the undersigned enters these findings, conclusions, and recommendation (FCR).

which prompted TTUHSC to issue an emergency removal and criminal trespass warning, prohibiting Bass from being on campus. *Id.* at 8–9. TTUHSC notified local hospitals and other entities that Bass should not be permitted in their facilities “pending further notice.” *Id.* at 10 (internal quotation marks omitted). TTUHSC later held a fourteen-hour disciplinary hearing, and Bass was dismissed from medical school. *Id.* at 6–7, 9. TTUHSC placed a notation on Bass’s transcript reflecting the “administrative dismissal” as of January 11, 2024. *Id.* at 9.

Based on this incident, Bass alleges a slew of claims, including violations of the Americans with Disabilities Act (ADA), Rehabilitation Act of 1973 (RA), and the Fourteenth Amendment. *Id.* at 13–17. Bass’s original complaint contained a request for preliminary injunction, which the undersigned recommended be denied. Dkt. Nos. 1, 7. Bass made untimely objections to the undersigned’s findings and conclusions and then filed an amended complaint as a matter of course. Dkt. Nos. 8, 14. Bass’s amended complaint contains an identical request for preliminary injunction. Dkt. No. 14 at 18–19. Bass served Defendants with the amended complaint on December 17, 2025, but they have not yet appeared in the case or otherwise responded to Bass’s request for injunctive relief. Nevertheless, the undersigned now issues these findings, conclusions, and recommendation on the amended request for a preliminary injunction.

2. Legal Standard

Rule 65(a) provides that “[t]he court may issue a preliminary injunction only on notice to the adverse party.” Fed. R. Civ. P. 65(a)(1). The notice requirement “is

mandatory.” *Harris Cnty. v. CarMax Auto Superstores Inc.*, 177 F.3d 306, 326 (5th Cir. 1999) (citation omitted).

In addition to notice, a movant must meet other requirements to obtain an injunction. “An injunction is an extraordinary remedy and should not issue except upon a clear showing of possible irreparable injury.” *Lewis v. S.S. Baune*, 534 F.2d 1115, 1121 (5th Cir. 1976). Courts should not grant injunctive relief “routinely, but only when the movant, by a clear showing, carries the burden of persuasion.” *White v. Carlucci*, 862 F.2d 1209, 1211 (5th Cir. 1989) (quoting *Holland Am. Ins. Co. v. Succession of Roy*, 777 F.2d 992, 997 (5th Cir. 1985)); see *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985) (explaining that “[t]he decision to grant a preliminary injunction is to be treated as the exception rather than the rule”).

To secure a preliminary injunction, a movant must demonstrate:

1. A substantial likelihood of success on the merits of his case;
2. A substantial threat of irreparable injury if the injunction is not granted;
3. The threatened injury to the movant outweighs any damage the injunction will cause the non-movant; and
4. The injunction will not have an adverse effect on the public interest.

Women’s Med. Ctr. of Nw. Hous. v. Bell, 248 F.3d 411, 418–20 (5th Cir. 2001); see *Enter. Int’l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 472 (5th Cir. 1985) (providing that “if the movant does not succeed in carrying its burden on any one of the four prerequisites, a preliminary injunction may not issue”).

3. Analysis

Bass seeks a mandatory preliminary injunction in that he wants “to alter the status quo prior to litigation rather than maintain it.” *Texas v. Ysleta del Sur Pueblo*, No. EP–17–CV–179–PRM, 2018 WL 1566866, at *9 (W.D. Tex. Mar. 29, 2018). Thus, he “bears the burden of showing a *clear* entitlement to the relief under the facts and the law.” *Justin Indus., Inc. v. Choctaw Secs., L.P.*, 920 F.2d 262, 268 n.7 (5th Cir. 1990) (per curiam) (emphasis added); see *TitleMax of Tex., Inc. v. City of Dallas*, 142 F.4th 322, 328 (5th Cir. 2025) (“[W]hen a plaintiff applies for a mandatory preliminary injunction, such relief should not be granted except in rare instances in which the facts and law are clearly in favor of the moving party.” (internal quotation marks and citation omitted)). “Mandatory preliminary relief, which goes well beyond simply maintaining the status quo pendente lite, is particularly disfavored” *Martinez v. Mathews*, 544 F.2d 1233, 1243 (5th Cir. 1976).

Bass has not shown he is entitled to a mandatory preliminary injunction because he has not established that he will suffer irreparable harm. “A preliminary injunction is typically granted during the pendency of a lawsuit to prevent irreparable injury that may result before a final decision on the merits.” *Shanks v. City of Dallas*, 752 F.2d 1092, 1096 (5th Cir. 1985). “[A]n injury is irreparable only if it cannot be undone through monetary remedies.” *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262, 279 (5th Cir. 2012) (internal quotation marks and citation omitted); accord *Broyles v. Texas*, 618 F. Supp. 2d 661, 681 (S.D. Tex. 2009) (“An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by

any certain pecuniary standard.”), *aff’d*, 381 F. App’x 370 (5th Cir. 2010). “Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of an injunction, are not enough.” *Dennis Melancon*, 703 F.3d at 279 (brackets and citation omitted).

Here, Bass alleges that he will suffer “irreparable injury to [his] professional reputation and training trajectory through continuing publication and transcript notation.” Dkt. No. 14 at 18. But Bass does not specify *how* his reputation will continue to be harmed absent injunctive relief, nor does he explain the specific impacts of that reputational damage. *See id.* at 9 (indicating that on October 16, 2025, TTUHSC issued a transcript and “[t]hird-party recipients reported adverse decisions” thereafter), 12–13 (“Plaintiff faces ongoing harm” from “transcript notations and status communications”). Instead, Bass makes only vague allegations concerning third parties, with no indication whether those parties are educational or employment opportunities, nor a specific contention as to the reputational damage he has and continues to suffer. Similarly, Bass wants to stop TTUHSC from issuing future messages to hospitals regarding his admission to their facilities, but Bass includes *no* facts showing that TTUHSC will again issue such a message or that he would be permitted into these facilities but for TTUHSC’s continuing notifications.

In effect, Bass wants to address past wrongs—his dismissal from medical school and the corresponding notation on his transcript, along with a revocation of privileges from hospitals—but money and other corrective relief can remedy those damages if Bass succeeds in this action. *See Sampson v. Murray*, 415 U.S. 61, 89–90 (1974) (“[T]he

temporary loss of income” due to damaging information “does not usually constitute irreparable injury.”); *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011) (“In general, a harm is irreparable where there is no adequate remedy at law, such as monetary damages.”); *cf. Sambrano v. United Airlines, Inc.*, No. 21-1115, 2022 WL 486610, at *6–7 (5th Cir. Feb. 17, 2022) (per curiam) (distinguishing between two types of harm in employment cases—the adverse action itself and those harms stemming from that action, versus “injuries that are independent from the adverse employment action”).

In sum, Bass’s allegations are too sparse and speculative to conclude he will suffer irreparable injury. *See, e.g., Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d at 472, 474 (reminding district courts that movant bears a heavy burden to obtain the “extraordinary and drastic remedy” of a preliminary injunction and holding that lower court erred in granting injunctive relief in part because reputational harm, absent evidentiary support, was speculative); *Aransas Project v. Shaw*, 775 F.3d 641, 664 (5th Cir. 2014) (per curiam) (“An injunction may thus be issued only if future injury is certainly impending.” (internal quotation marks and citation omitted)); *Porter Teleo, LLC v. Print4One, LLC*, No. 4:19-CV-03334, 2020 WL 6277583, at *3 (S.D. Tex. Sep. 9, 2020) (denying preliminary injunction in part because plaintiff did not supply evidence of damage to reputation or threat of future injury); *cf. Sambrano*, 2022 WL 486610, at *6 (“In lawsuits alleging wrongful termination or adverse employment action, the plaintiff is ordinarily not irreparably harmed. That is because the statutory relief available at the conclusion of a successful lawsuit (including reinstatement and back pay) can adequately compensate the plaintiff for the employer’s wrongful conduct.”).

4. Recommendation

Because Bass has not met his steep burden regarding the extraordinary remedy of a preliminary injunction, the undersigned recommends that the United States District Judge deny Bass's request.

5. Right to Object

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1) (2016); Fed. R. Civ. P. 72(b). To be specific, an objection must identify the specific finding, conclusion, or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's Findings, Conclusions, and Recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

Dated: December 29, 2025.



AMANDA 'AMY' R. BURCH
UNITED STATES MAGISTRATE JUDGE