

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg**

ROBERT BEASLEY,

Petitioner, and

**STATE OF OHIO,
STATE OF COLORADO,
STATE OF ILLINOIS,
STATE OF NEW YORK,
STATE OF NORTH CAROLINA,
STATE OF TENNESSEE, and
STATE OF WEST VIRGINIA,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:23-CV-100
Judge Bailey

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

ORDER

Pending before this Court is Petitioner’s Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 147] and accompanying Memorandum in Support [Doc. 148], filed April 7, 2025. The United States of America and the National Collegiate Athletic Association (“NCAA”) each filed Responses. See [Docs. 153 & 154]. This Court held a hearing on the Motion for a Temporary Restraining Order on April 14, 2025.

I. Background

In the interests of brevity, this Court adopts in full the Background Section of the December 13, 2023 Order. See [Doc. 39 at 1–4]. In brief, this case involved the States

of Ohio, Colorado, Illinois, Minnesota, Mississippi, New York, North Carolina, Tennessee, West Virginia, the Commonwealth of Virginia, the District of Columbia, and the Department of Justice challenging Bylaw 14.5.5.1 (the “Transfer Eligibility Rule”), which provided that on a second transfer a student-athlete was required to have fulfilled an academic year in residence at their new institution before resuming competition. [Id. at 5–6]. It also challenged NCAA Bylaw 12.11.4.2 (the “Rule of Restitution”). [Id. at 27–30]. As a result of this litigation, pursuant to the Consent Orders, the issues with these two (2) rules were resolved.

Petitioner Robert “Robby” Beasley filed this Motion seeking this Court’s help in “restor[ing] his right to one more season of eligibility as a college athlete” and challenging Bylaw 12.8, which provides that a student-athlete has four (4) years of intercollegiate competition in any one sport, which must be completed within five (5) calendar years. [Doc. 148 at 1]. Petitioner states he was “excited to explore” his options to continue his graduate studies and playing career at the University of San Francisco or at other schools during the current transfer portal period,¹ but the NCAA forbade him from playing anywhere next season. [Id.].

Petitioner was considered a second transfer when he arrived at the University of San Francisco’s campus in June 2023, and he was deemed ineligible to play by the NCAA. [Doc. 148-1 at ¶ 4]. Petitioner’s eligibility was not restored until this Court entered a temporary restraining order on December 13, 2023, and by joint motion of the parties,

¹ The current transfer portal period expires on April 22, 2025.

entered a preliminary injunction order on December 18, 2023. See [Docs. 39 & 63].² The parties thereafter submitted a proposed Consent Decree on May 30, 2024, which this Court entered the following day. See [Docs. 139 & 141]. This Court entered its Final Judgment on August 30, 2024. See [Doc. 146].

II. Legal Standard

Before issuing a temporary restraining order, this Court must consider (1) the movant's likelihood of success on the merits, (2) the likelihood of irreparable harm absent injunctive relief, (3) the balance of hardships, and (4) the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

Federal Rule of Civil Procedure 65 provides

Every order granting an injunction and every restraining order must:

- (A) state the reasons why it issued;
- (B) state its terms specifically; and
- (C) describe in reasonable detail--and not by referring to the complaint or other document--the act or acts restrained or required.

III. Analysis

Balancing the four factors in issuing an injunction, petitioner cannot meet the requirements for a temporary restraining order against the NCAA.

A. Petitioner does not have a likelihood of success on the merits.

While a plaintiff is required to make a clear showing that he is likely to succeed on

² After this Court issued a temporary restraining order followed by a preliminary injunction, the NCAA confirmed that all second transfers were immediately eligible. Petitioner made the decision to begin playing for the University of San Francisco men's basketball team on December 30, 2023.

the merits in order to obtain injunctive relief, a plaintiff is not required to establish with certainty that he will succeed on the merits. **Pashby v. Delia**, 709 F.3d 307, 321 (4th Cir. 2013); **Roe v. U.S.**, 947 U.S. 207, 219 (4th Cir. 2020). Indeed “[a] district court’s determination that such a showing [of likelihood of success on the merits] has been made is best understood as a prediction of a probable, but necessarily uncertain, outcome....” **Stinnie v. Holcomb**, 37 F.4th 977, 982 (4th Cir. 2022) (quoting **Smyth ex rel. Smyth v. Rivero**, 282 F.3d 268, 276 (4th Cir. 2002)); **Stinnie v. Holcomb**, 77 F.4th 200, 208 (4th Cir. 2023). Moreover, in showing a likelihood of success on the merits, a plaintiff is not required to demonstrate a likelihood of success on all claims. **Power Balance LLC v. Power Force LLC, No. SACV**, 2010 WL 5174957, at *5 (C.D. Cal. Dec. 14, 2010); see **Hudson v. AFGE**, 292 F.Supp.3d 145, 153 (D. D.C. Nov. 9, 2017) (Boasberg, J.) (“the Court begins with [movant’s] likelihood of success on the merits of at least one claim”); see also **Miller v. Garland**, 2023 WL 3692841, at *34 (E.D. Va. May 26, 2023) (Alston, Jr., J.); see also **Winter**, 555 U.S. at 19 n.4 (Circuit Court’s discussion limited to a single claim of Plaintiff’s multi-claim complaint).

Paragraph 23 of the Consent Decree is at issue and reads in full:

23. The NCAA shall provide an additional year of eligibility to any Division I student-athlete who was deemed ineligible to compete for a season or any portion of a season of competition occurring during or since the 2019-20 academic year because of the Transfer Eligibility Rule provided the student-athlete:

- a. transferred between two member institutions more than once;

- b. is currently enrolled at a Division I member institution; and
- c. is currently eligible to compete, or their eligibility expired at the end of a season of competition completed during the 2023-24 academic year.

For the avoidance of doubt, a Division I student-athlete described in this provision shall have no fewer than six calendar years to complete their four seasons of intercollegiate competition in any one sport (see NCAA Bylaw 12.8), instead of the five calendar years set forth under NCAA Bylaw 12.8.1.

[Doc. 141 at 6–7 (emphasis added)]. Paragraph 23 of the Consent Decree stipulates that affected student-athletes would be granted an *additional year of eligibility*. However, it does not provide for an *additional season of competition*, which is the relief petitioner seeks here. While the Paragraph affords student-athletes an extra year of *eligibility*, it explicitly does not extend their *season of competition*, as the petitioner contends. This distinction is clearly outlined in the final sentence of Paragraph 23. In that sentence, the parties explicitly reference Bylaw 12.8, clarifying that it should not act as an obstacle to a student-athlete’s ability to complete “four seasons of intercollegiate competition in any one sport” over the course of six (6) years instead of the traditional five (5) years. Importantly, the last sentence also affirms that the season of competition legislation remains unaffected by the Consent Orders, emphasizing the limited scope of the relief provided by Paragraph 23.

Paragraph 23 not only fails to extend or modify the season of competition legislation, but in a November 2023 declaration supporting its opposition to petitioner's application for a temporary restraining order in California, the NCAA clearly outlined petitioner's available options:

Nevertheless, the Committee's denial of USF's request for a waiver for the 2023–2024 season would not foreclose his ability to practice with the team this year and to play in future seasons. Because Mr. Beasley played during a basketball season impacted by COVID, he has five years of eligibility to play NCAA basketball that he can play over the course of six years. His records indicate he already played two seasons with Montana and one with UC Davis. **So, he has two remaining seasons of competition. If he does not play basketball in competition this year, he could play in the 2024–2025 season and 2025–2026 seasons.** If he had already obtained his undergraduate degree, he could play as a graduate student.

[Doc. 154-2 at ¶ 52 (emphasis added)]. Moreover, following this Court's entry of the temporary restraining order, the NCAA issued its initial guidance to student-athletes on December 14, 2023, which included a question-and-answer section:

Question No. 4: Does the season of competition legislation apply if a student-athlete competes during the 14-day TRO?

Answer: Yes. The 14-day TRO only enjoined Bylaw 14.5.5.1 and **does not change the season of competition legislation.**

[Doc. 154-4 at 2 (emphasis added)]. Following entry of the preliminary injunction order, the NCAA issued new guidance on December 18, 2023, to affected student-athletes:

Question No. 5: Does the season of competition legislation apply if a student-athlete competes during the preliminary injunction?

Answer: Yes. The preliminary injunction only enjoined Bylaw 14.5.5.1 and **does not change the season of competition legislation.**

[Doc. 154-6 at 2 (emphasis added)].

Petitioner has participated in four (4) seasons of Division I men's college basketball: University of Montana during the 2020–2021³ and 2021–2022 seasons; University of California-Davis for the 2022–2023 season; and then the University of San Francisco during the 2023–2024 and 2024–2025 seasons. Unfortunately for petitioner, he made a choice to play the 2023–2024 season with the knowledge that it would constitute a year of competition under Bylaw 12.8. Thus, petitioner has exhausted his eligibility and the Consent Decree does not provide him with an additional year.

Because petitioner fails to meet the first factor this Court must consider in granting a temporary restraining order, this Court need not address the likelihood of irreparable harm absent injunctive relief, the balance of hardships, and the public interest.

IV. Conclusion

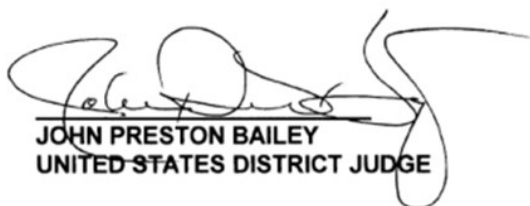
Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 147] is **DENIED**.

³ This year does not count toward his eligibility because this was the so-called COVID year, which the NCAA granted student-athletes to address the disruptions caused by the pandemic.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: April 15, 2025.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE