

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

IDRIS ROBINSON,

PLAINTIFF

Civil Case No. 1:26-cv-705

vs.

KELLY DAMPHOUSSE, PRANESH
ASWATH, VEDARAMAN
SRIRAMAN, and
THILLAINATARAJAN
SIVAKUMARAN in their individual and
official capacities as state actors and
officers of TEXAS STATE
UNIVERSITY, and STEVEN LEE,
DIONICIO FLORES, CHARLIE
AMATO, DUKE AUSTIN, SHEILA
FASKE, RUSSELL GORDY, TOM
LONG, WILLIAM SCOTT, ALAN
TINSLEY, DONOVAN BROWN, in
their official capacity REGENTS of the
TEXAS STATE UNIVERSITY
SYSTEM,

DEFENDANTS.

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Idris Robinson hereby respectfully moves this Honorable Court under Fed. R. Civ. P.65(a) and (b) for a Temporary Restraining Order (TRO) and Preliminary Injunction (PI) enjoining Defendants, actors of the State of Texas acting under the color of state law, from illegally terminating him on May 31, 2026, in retaliation for the exercise of his First Amendment right to speak as a private citizen on matters of public concern.

After years of outstanding reviews and steady progress towards tenure, Professor Robinson was abruptly placed on administrative leave on June 6, 2025 — just one day after online activists demanded his termination in connection with a speech he gave as a private citizen on a matter of public concern in the Summer of 2024. Scarcely a month after that, he was notified that his contract would not be renewed and that his employment at Texas State will terminate on May 31, 2026. Robinson has already suffered irreparable harm in the deprivation of his First Amendment rights under the United States Constitution. Without an injunction, he will also lose his job on May 31, 2026, causing further irreparable harm to him and the young family he supports.

FACTUAL BACKGROUND

As supported by admissible evidence set forth in Plaintiff’s Affidavit in support of this motion, and further pleaded in Plaintiff’s Complaint, Plaintiff Idris Robinson has attested to the following facts:

I. INTRODUCTION

Professor Idris Robinson brings this civil action against the Regents of the Texas State University System as state actors in their official capacities. ECF No. 1. He also brings this action against Kelly Damphousse, Pranesh Aswath, Thillainatarajan Sivakumaran, and Vedaraman Sriraman (the “Individual Defendants”) in their individual and official capacities as

state actors and officers of Texas State University. ECF No. 1. (Collectively, all Defendants will be referred to as the “State” or “TXST”).

II. PROFESSOR ROBINSON’S EXEMPLARY RECORD AS AN ASSISTANT PROFESSOR

Until his illegal notice of termination (see Affidavit of Idris Robinson (“Robinson Aff”), **Exhibit P**), Professor Robinson was succeeding on the tenure-track in the Department of Philosophy at TXST. Robinson Aff, ¶ 1. TXST offered him this position in June 2022. *Id.*, **Exhibit A**. Professor Robinson’s contract of employment incorporated all the policies, handbooks, and rules of TXST by reference. *Id.*, ¶ 2-7, **Exhibit B**, **Exhibit C**.

During his time at TXST, Professor Robinson never received a negative review, and his performance was always rated “excellent.” *Id.*, **Exhibit D**, **Exhibit E**, **Exhibit F**, **Exhibit G**, **Exhibit H**, **Exhibit I**, **Exhibit J**. In fact, just three months before he received his illegal notice of termination, TXST’s Personnel Committee wrote:

The committee believes Idris will continue to make significant contributions to the Department in the years to come and is making excellent progress toward tenure and promotion in all three areas.

Id., ¶ 26 and **Exhibit J** at 3. Likewise, Professor Robinson’s Department Chair, Professor Craig Hanks, added: “Idris is making excellent progress on the tenure-track.” *Id.*, ¶ 27. Scarcely three months later, on July 8, 2025, Defendant Pranesh Aswath, the Provost of TXST delivered Plaintiff a letter that his contract was not being renewed and that his employment with TXST would end on May 31, 2026. *Id.*, ¶ 67 and **Exhibit P**. This termination notice came just a month after Professor Robinson received an email out of the blue from Defendant Vedaraman Sriraman, TXST’s Senior Vice Provost, stating:

. . . effective immediately, you are being placed on administrative leave with pay pending further review. This action is being taken following the receipt and internal assessment of multiple complaints and allegations regarding an incident that occurred in the summer of 2024.

Id., ¶¶ 62-63 and **Exhibit O**.

III. ROBINSON SPEAKS AS A PRIVATE CITIZEN ON MATTERS OF PUBLIC CONCERN

The mysterious “incident that occurred in the summer of 2024” was Professor Robinson’s speaking event on a matter of public concern in June 2024, half a continent away, in Asheville, North Carolina. As Defendant Sriraman indicated, TXST had worked itself up into a moral panic over a presentation Professor Robinson gave on June 29, 2024, at the West Asheville Public Library. Id., ¶¶ 62-63, **Exhibit O**, and ¶ 29. No evidence suggests anyone at TXST had even heard of this public talk at the time it was given. Rather, TXST learned of it when, on June 5, 2025, online activists suddenly began agitating for his firing.

From June 28, 2024-June 30, 2024, the West Asheville Public Library hosted the Another Carolina Anarchist Book Fair (“2024 Book Fair”). Id., ¶¶ 29-30. Professor Robinson delivered a presentation there entitled “Strategic Lessons from the Palestinian Resistance.” Id. ¶ 31 and **Exhibit K**.

Another Carolina Anarchist Book Fair in general, and the 2024 Book Fair in particular, is not associated with TXST in any way. Id., ¶ 32. Professor Robinson’s talk did not indicate any affiliation with TXST. Id., ¶ 33 and **Exhibit K**. TXST did not require Professor Robinson to give this presentation. Id., ¶ 34. None of Professor Robinson’s duties or obligations as an Assistant Professor at TXST obligated him to give this presentation. Id. In short, Professor Robinson participated in Another Carolina Anarchist Book Fair as a private citizen, not pursuant to his job responsibilities or duties as an Assistant Professor. See id., **Exhibit I, Exhibit J**.

Professor Robinson’s presentation was video-recorded and livestreamed by several audience members who opposed the viewpoints he was expressing. The video indicates that a scuffle broke out following Professor Robinson’s talk. Id., **Exhibit L**. Professor Robinson did not incite this scuffle. Id., ¶ 48 and **Exhibit M**. From June 29, 2024 through December 2024,

the Asheville Police Department (APD) thoroughly investigated the incident. *Id.* The 44-page Police Incident Report by the APD does not identify Professor Robinson as either a suspect or even a witness. Professor Robinson was never charged with any wrongdoing, because he did not engage in any wrongdoing. *Id.*, ¶ 50. The APD detectives’ whiteboard showing suspects and witnesses does not feature Professor Robinson in any way. *Id.* The video clip of the presentation shows that Professor Robinson received applause and left the podium, and was at the front of the room whereas the scuffle erupted in the back of the room. **Exhibit L** at 14:26.

In the fall of 2024, Professor Robinson resumed teaching at TXST without incident. *Id.*, ¶ 54. That year, he again received “excellent” performance reviews. **Exhibit I, Exhibit J.** Professor Robinson’s presentation at the 2024 Book Fair was not referenced or addressed in any way in his 2024 review. *Id.* at ¶ 50, **Exhibit I, Exhibit J.** Professor Robinson is certain, based on his years of experience at TXST, that if his behavior as a private citizen had somehow interfered with the educational mission or operations of the university, this would have been reflected in his annual reviews and reappointment papers. *Robinson Aff.*, ¶ 53.

IV. ONE YEAR LATER, ACTIVISTS CLAMOR FOR ROBINSON TO BE FIRED, AND TEXAS STATE OBEYS THE ACTIVISTS

A full year passed, and nothing happened other than Professor Robinson’s continued excellent job performance. *Id.*, ¶ 54. On June 5, 2025, however, a pro-Israel activist named David Moritz, who participated in livestreaming Professor Robinson’s presentation, and who may have recorded the video clip attached to this motion as **Exhibit L**, attacked Professor Robinson’s viewpoints on Instagram. *Id.*, ¶ 55. His post attacking Professor Robinson and the 2024 Book Fair received only approximately 1500 “likes” and 220 “comments.”¹ See also *id.*, ¶

¹ See https://www.instagram.com/p/DKh734Ux8AQ/?img_index=8&igsh=MXByYjVoZXFqbTE0Mg%3D%3D.

61 and **Exhibit N**. There is no evidence that anyone from the TXST community viewed Moritz’s Instagram post—except, perhaps, for eager TXST administrators. *Id.*, ¶ 61.

Mr. Moritz is free to voice his opinions. His post expressed vociferous disagreement with Professor Robinson. *Id.*, ¶ 58. Unfortunately, his post also included the demonstrably false allegation that Professor Robinson “Incited a Mob Attack in Asheville.” *Id.* Mr. Moritz concluded his Instagram post:

This isn’t academic freedom
This is incitement to violence
This is glorification of terrorism
And it happened under the name of a US university
Texas State University must act
Idris Robinson must be investigated and removed
Promoters of violence do not belong in the classroom
Terror apologists do not belong in the classroom
Violence should not be taught as a ‘how-to’ University subject
Take Action
Contact Texas State University
Tell them: Fire Idris Robinson

Exhibit N.

V. TEXAS STATE UNIVERSITY FIRES PROFESSOR ROBINSON IN FLAGRANT VIOLATION OF ITS POLICIES

Once they received this out-of-state instruction from someone with no connection to TXST, Defendants quickly reacted with haste and servility. Just one day after Mr. Moritz’s Instagram post (**Exhibit N**), Defendant Senior Vice Provost Vedaraman Sriraman emailed Professor Robinson that “effective immediately” he was “being placed on administrative leave with pay pending further review. This action is being taken following the receipt and internal assessment of multiple complaints and allegations regarding incident that occurred in the summer of 2024.” *Id.*, ¶¶ 62-63 and **Exhibit O**.

Professor Robinson was never presented with any of the supposed “multiple” complaints against him. *Id.*, ¶ 64. He was never permitted to know the identity of his accusers. *Id.* And the

only “incident” identified was the Provost’s vague allusion to the 2024 Book Fair at which Professor Robinson spoke as a private citizen on a matter of public concern. **Exhibit O**. Yet Professor Robinson was immediately subjected to punitive restrictions. Defendants forbid him to engage in any communications with students or faculty at TXST. *Id.*, ¶ 66. Then, scarcely a month later (July 8, 2025), Defendant Provost Pranesh Aswath sent Professor Robinson a termination letter, informing him that his employment would end on May 31, 2026. *Id.*, ¶¶ 68-69 and **Exhibit P**. No reason was given. *Id.*

Professor Robinson appealed this decision through a notice of grievance according to TXST’s Rules on July 28, 2025. *Id.*, ¶ 73 and **Exhibit R**. The Texas State University System Rules and Regulations (the “Rules”) are provided in Section V of Professor Robinson’s Affidavit. *Id.*, ¶¶ 76-94 and **Exhibit U**. Defendants flagrantly disregarded them. *Id.*

On July 25, 2025, Professor Robinson’s attorney wrote Defendants to notify them of their clear violation of his First Amendment rights. *Id.*, ¶ 72 and **Exhibit Q**. On September 17, 2025, Defendant Thilla Sivakumaran sent Professor Robinson a one-page decision letter upholding the decision to terminate him and claiming, without explanation, that Professor Robinson had not made a prima facie case that he had been denied a right guaranteed by the constitutions or laws of the United States or of the state of Texas. *Id.*, ¶ 75 and **Exhibit T**.

TXST’s actions violated not only the First Amendment, but also TXST’s Rules, which expressly protect “Speaking as a Citizen.” *Id.*, ¶ 82 and **Exhibit U** at § V, 4.74. The plain language of TXST’s Rules state: “When the faculty member speaks or writes as a citizen, the faculty member should be free from Component [i.e. TXST as a component of the Texas State University System] censorship or discipline.” *Id.* In fact, the Rules, § V, 2.134, require every TXST employee, including the Individual Defendants, to obey all state and federal laws,

including the First Amendment to United States Constitution. **Exhibit U**. The Individual Defendants disregarded their own Rules at every turn.

The Rules further protect faculty members' engagement in political activities, "as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to the System or a Component or otherwise involve the System or a Component in partisan politics." *Id.*, ¶ 83 and **Exhibit U** at § V, 4.75. TXST never produced any evidence, and Professor Robinson knows of no evidence, that he ever interfered with the discharge of duties and responsibilities of the TXST community, whether through his political activities or any other activities. *Id.*, ¶ 84.

TXST also violated its procedural Rules. TXST forced Professor Robinson to go on leave and forbid him to communicate with colleagues or students, without any prior notice. **Exhibit O**. Yet the Rules provide that, without prior notice, the Regents or the President may only remove or suspend an employee "whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the [university]." **Exhibit U** at § V, 2.131. Therefore Professor Robinson's suspension was also illegal and violated the Rules.

VI. PROFESSOR ROBINSON WILL SUFFER IRREPARABLE HARM

The nature of the academic job market for philosophy professors is so constrained that losing a tenure-track philosophy position will almost certainly require Professor Robinson to switch careers. Robinson Aff, ¶¶ 85-102. Thus, losing his tenure-track position is not comparable to a conventional wrongful termination that can be compensated with money damages. It is overwhelmingly likely that if his termination is allowed to take effect, Professor Robinson will be required to change careers and exit his chosen calling of philosophy. *Id.*, ¶ 97. No monetary award could ever compensate Professor Robinson for the lost opportunity to pursue his otherwise successful career in philosophy. *Id.*

The unique and special circumstances that apply to academic careers in the humanities are illustrated by the fact that, nationwide, fewer than 200 tenure-track philosophy positions are advertised in any given hiring cycle. *Id.*, ¶ 85. Hiring takes place for tenure-track philosophy positions only once a year, on a one-year cycle. *Id.*, ¶¶ 89-90. And for every single position in academic philosophy, colleges and universities get between 125-150 applicants. *Id.*, ¶ 86. In other words, a professor who has been terminated from a tenure-track position cannot simply walk out the door to find a similar position at a comparable university. And unlike in STEM fields, where a career in industry is an option for those exiting academic, there is also no demand for academic philosophy in the private sector. *Id.*, ¶ 87.

In the 2025-2026 academic hiring cycle, there were only 184 listed positions for tenure-track philosophy professors nationwide. *Id.*, ¶¶ 85, 92-93. Professor Robinson was a plausible fit for only 20. *Id.* He applied for each of these but was rejected immediately by 18 of them (90%). *Id.* He got only two follow-up interviews. *Id.* One university retracted the interview without explanation, and the other interview resulted in a rejection because of alleged “ultra-fine-grained considerations about teaching and research fit.” *Id.*, ¶¶ 94-95. TXST’s actions have effectively resulted in Professor Robinson being blackballed from the academic job market.

TXST’s actions have also chilled Professor Robinson’s free expression going forward. *Id.*, ¶ 98. Professor Robinson now fears publishing on sensitive topics such as the Israeli-Palestinian conflict. *Id.*, ¶ 99. He not only revised his book, which was published in 2025 by MIT Press; but in addition, TXST’s disciplinary actions targeting Professor Robinson’s public speaking engagements have caused him to remove material from his scholarly publications that refer to Palestine and the political situation in Israel. *Id.*, ¶ 101. By way of example, out of concern for the consequences to him and his philosophy career due to TXST’s disciplinary

actions, Professor Robinson withdrew and continues to withhold the submission of a finished manuscript that he developed as early as 2024 on Walter Benjamin, Frantz Fanon, and revolutionary violence. *Id.*, ¶ 102. In short, TXST’s disciplinary action has chilled Professor Robinson’s scholarship, teaching, and publication. *Id.*

VII. PLAINTIFF HAS SATISFIED PRELIMINARY NOTICE REQUIREMENTS

As attested to in the Certification of Attorney Samantha K. Harris, Professor Robinson, through counsel, has satisfied all notice requirements for this Motion for Temporary Restraining Order/Preliminary Injunction.

ARGUMENT

I. LEGAL STANDARD

“The factors that govern an application for a temporary restraining order [TRO] are the same as those that govern a request for preliminary injunction [PI].” *William E. McBryde, Inc. v. Rodriguez*, Civil Action No. SA-07-CA-143-XR, 2007 U.S. Dist. LEXIS 12272, at *6 (W.D. Tex. Feb. 13, 2007) (collecting cases).

“The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395, 101 S. Ct. 1830, 68 L. Ed. 2d 175 (1981). Professor Robinson seeks a “prohibitory injunction [which] freezes the *status quo*, and is intended to preserve the relative positions of the parties until a trial on the merits can be held.” *Wenner v. Tex. Lottery Comm’n*, 123 F.3d 321, 326 (5th Cir. 1997) (internal quotations omitted). “Preliminary injunctions commonly favor the *status quo* and seek to maintain things in their initial condition so far as possible until after a full hearing permits final relief to be fashioned.” *Id.*

“To obtain a preliminary injunction plaintiffs must show[:]

- (1) a substantial likelihood of success on the merits,
- (2) a substantial threat that plaintiffs will suffer irreparable injury if the injunction is not granted,
- (3) that the threatened injury outweighs any damage that the injunction might cause the defendant, and
- (4) that the injunction will not disserve the public interest.”

Planned Parenthood v. Sanchez, 403 F.3d 324, 329 (5th Cir. 2005). For a prohibitory injunction (rather than the more strenuous mandatory injunction), “[t]o show a likelihood of success, the plaintiff must present a prima facie case, but need not prove that he is entitled to summary judgment.” *Daniels Health Scis., LLC v. Vascular Health Scis., LLC*, 710 F.3d 579, 582 (5th Cir. 2013)

The chief difference between a TRO and PI motion is that the TRO imposes strict preliminary notice requirements. “A temporary restraining order may be granted without written or oral notice to the adverse party or that party’s attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party’s attorney can be heard in opposition, and (2) the applicant’s attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required. Fed. R. Civ. P. 65(b).” *William E. McBryde*, 2007 U.S. Dist. LEXIS 12272, at *7.

II. PLAINTIFF SATISFIES THE STANDARD FOR A PRELIMINARY INJUNCTION

A. Plaintiff Has Shown a Substantial Likelihood of Success on the Merits

1) *Idris Robinson Spoke as a Private Citizen on a Matter of Public Concern, and TXST's Allegation against Him Must Be Evaluated under the Pickering Standard*

Idris Robinson is a public employee. “The Supreme Court has made it clear that states ‘cannot condition public employment on a basis that infringes the employee’s constitutionally protected interest in freedom of expression.’” *Lowrey v. Tex. A&M Univ. Sys.*, 11 F. Supp. 2d 895 (S.D. Tex. 1998) (quoting *Connick v. Myers*, 461 U.S. 138, 142, 103 S. Ct. 1684, 1687, 75 L. Ed. 2d 708 (1983)). On the facts presented here, the Fifth Circuit’s precedent is well-established that the standard applies as articulated in *Pickering v. Bd. of Ed.*, 391 U.S. 563, (1960) and *Connick v. Myers*, 461 U.S. 138.² See, e.g., *Buchanan v. Alexander*, 919 F.3d 847, 852–54 (5th Cir. 2019), *cert. denied*, 140 S. Ct. 432 (2019). To prevail under the *Pickering* standard, a public employee must show that:

- (1) the speech involved a matter of public concern;
- (2) the employee’s free speech interests outweighed the employer’s interest in effective and efficient fulfillment of its responsibilities; and
- (3) the speech played a substantial part in the adverse employment action.

Fox v. City of Austin, No. 1:22-cv-00835-DAE, 2024 U.S. Dist. LEXIS 159628, at *5-6 (W.D. Tex. Sep. 4, 2024) (citing *Connick v. Myers*, 461 U.S. at 147-50; *Pickering v. Bd. of Ed.*, 391 U.S. at 568).

² As set forth in Plaintiff’s Factual Background, § II, Professor Robinson spoke as a private citizen on a matter of public concern. However, to the extent that the State should argue that it is entitled to censor Professor Robinson as its employee under the workplace-speech doctrine articulated in *Garcetti v. Ceballos*, 547 U.S. 410, 418 (2006), every Circuit Court to directly academic speech related has refused to apply the *Garcetti* workplace speech doctrine to teaching and scholarship by university professors, including the Fifth Circuit. See *Buchanan v. Alexander*, 919 F.3d 847, 852–53 (5th Cir. 2019), *cert. denied*, 140 S. Ct. 432 (2019).

Once Professor Robinson establishes the first three elements, “the burden then shifts to the government to prove by a preponderance of the evidence it would have reached the same decision absent the protected speech.” *Id.* at *6 (citing *Haverda v. Hays Cnty.*, 723 F.3d 586, 591-92 (5th Cir. 2013)). Here, however, TXST has never provided any reason for its decision other than Professor Robinson’s public speaking engagement. Professor Robinson’s speech at the Book Fair took place in June 2024, a full year before he was terminated, during which time TXST rated him as “excellent” in every category of evaluation. By all accounts, he was making clear and steady progress towards tenure. The State simply wants to suppress his political speech.

2) *Professor Robinson Has Suffered an Adverse Employment Action*

Professor Robinson was a tenure-track professor at TXST. On July 8, 2025, he was notified that TXST was not renewing his contract beyond the 2025-2026 academic year and that his employment with TXST would end on May 31, 2026. If not enjoined to preserve the status quo, TXST will terminate Professor Robinson’s employment at the end of May 2026, which is an undisputable adverse employment action. *See Breaux v. City of Garland*, 205 F.3d 150, 157 (5th Cir. 2000) (“Adverse employment actions are discharges, demotions, refusals to hire, refusals to promote, and reprimands.”)

3) *Professor Robinson Has Shown a Causal Connection Between the Adverse Employment Action and his Speech*

Professor Robinson was given every indication that he was progressing towards tenure, with excellent annual reviews, until *one day* after online activists publicized his 2024 Book Fair speech and instructed people to contact TXST and “Tell them: Fire Idris Robinson.” Robinson Aff., **Exhibit N**. The day after TXST learned of his protected activity, he was put on administrative leave, and the letter putting him on leave explicitly referenced the Summer 2024 incident. Just one month after that, he was terminated, with no reason provided.

4) *Professor Robinson Spoke on a Matter of Public Concern*

Having clearly established an adverse employment action causally connected to his protected speech, the Court must next determine whether Professor Robinson spoke as a citizen on a matter of public concern. This requires two showings: first, that he spoke as a citizen and not as an employee, and second, that his speech raised an issue of public concern. *Bevill v. Wheeler*, 103 F.4th 363, 375 (5th Cir. 2024). Plaintiff makes both showings easily.

First, the evidence clearly establishes that Plaintiff’s speech at the 2024 Book Fair was given in his personal capacity and not as an employee of TXST. The 2024 Book Fair took place over the summer, when Plaintiff was not teaching. It took place halfway across the country in North Carolina. Plaintiff did not identify himself as an employee of TXST at the 2024 Book Fair or in any of the materials accompanying his presentation. *Robinson Aff*, ¶ 33; *id.* at Exhibit K.

The evidence also clearly establishes that Plaintiff spoke on a matter of obvious public concern. His presentation addressed the conflict between Hamas terrorists, the state of Israel, and Palestinians caught in the middle, as well as the applications of this controversy to American political life. The Western District of Texas has already determined that the Israeli-Palestinian conflict is a matter of public concern. “The relationship between Israel and Palestine is an internationally significant political conflict and is the subject of intense international debate.” *Amawi v. Pflugerville Indep. Sch. Dist.*, 373 F. Supp. 3d 717, 747 (W.D. Tex. 2019) (denying State’s motion to dismiss and granting PI for First Amendment retaliation), *vacated as moot after Texas’ revocation of unconstitutional statute*, 956 F.3d 816, 820 (5th Cir. 2020).

Political speech is entitled to maximum First Amendment protection. See *McIntyre v. Ohio Elections Com’n*, 514 U.S. 334, 131 L. Ed. 2d 426, 115 S. Ct. 1511, 1519 (1995) (“No form of speech is entitled to greater constitutional protection than [core political speech]”); *Meyer v. Grant*, 486 U.S. 414, 421, 100 L. Ed. 2d 425, 108 S. Ct. 1886, 1892 (1988) (stating

First Amendment protection at its zenith when protecting “core political speech”); *FCC v. League of Women Voters of California*, 468 U.S. 364, 375-376, 104 S. Ct. 3106, 3114-3115, 82 L. Ed. 2d 278 (1984) (noting political speech “entitled to the most exacting degree of First Amendment protection”).

Furthermore, the speech of academics on matters of public concern is likewise “a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.” *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603, 87 S. Ct. 675, 683 (1967) (“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned”). *See also Sweezy v. New Hampshire*, 354 U.S. 234, 250, 77 S. Ct. 1203, 1 L. Ed. 2d 1311 (1957) (“Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die”); *MacRae v. Mattos*, ___ U.S. ___, 145 S. Ct. 2617, 2620-21, 222 L. Ed. 2d 1141 (2025) (Thomas, J., concurring) (noting that “It undermines core First Amendment values to allow a government employer [i.e. Defendants] to adopt an institutional viewpoint on the issues of the day and then, when faced with a dissenting employee, portray this disagreement as evidence of disruption. **And the problem is exacerbated in the case of [plaintiff], who expressed her views only outside the workplace**”) (emphasis added).

5) *The Balance of Interests Favors Professor Robinson*

Finally, the Court must balance Robinson’s “free speech rights against [the State’s] countervailing interest in promoting the efficient performance of its normal functions.” *Wilson v. Hous. Cmty. Coll. Sys.*, 955 F.3d at 497.

Here, this issue is not even close. TXST can demonstrate no detriment to its efficient and normal functions, other than the self-inflicted wound of getting rid of an effective teacher to the detriment of its students. At every opportunity, TXST rated Professor Robinson “excellent” in

his performance of his duties. Robinson never received a negative review. There was no administrative disruption due to his talk at the 2024 Book Fair. In fact, for a full year thereafter, TXST functioned without the least impairment — obviously because Professor Robinson’s 2024 Book Fair presentation disrupted nothing. There is no indication that students at TXST were even aware of it. Indeed, other than receiving some “strange calls” following David Moritz’s Instagram post about Professor Robinson on June 5, 2025 (Robinson Aff, ¶ 61), TXST was not in any way impacted by Professor Robinson’s talk at the 2024 Book Fair.

By contrast, the injury to Professor Robinson is extreme: he is losing his job. And even if he were not scheduled to be fired at the end of May 2026, “[t]here can be no question that the challenged restrictions, if enforced, will cause irreparable harm. ‘The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Roman Catholic Diocese v. Cuomo*, 592 U.S. 14, 19 (2020) (quoting *Elrod v. Burns*, 427 U. S. 347, 373 (1976)).

TXST has shown absolutely no disruption to its normal functions. Rather, TXST retaliated against Professor Robinson simply because it finds his viewpoints repugnant, disagreeable, and offensive. This violates the First Amendment. See, e.g., *Snyder v. Phelps*, 562 U.S. 443, 458 (2011) (holding, “speech ... at a public place on a matter of public concern ... is entitled to ‘special protection’ under the First Amendment. Such speech cannot be restricted simply because it is upsetting or arouses contempt”); see also *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”)

To the extent that TXST was reacting to online activists' false allegation that Professor Robinson "incited" the scuffle that broke out at the end of his presentation at the 2024 Book Fair, this allegation is contradicted by all the available evidence. Unlike the audience members who objected to being livestreamed (the issue that arguably led to the scuffle), Professor Robinson made clear that as far as he was concerned, "if you want to put it on camera, that's fine." (Robinson Aff, ¶ 42). At no point did he encourage or direct anyone to engage in violence. The 44-page police report and the investigation of the Asheville Police Department shows that Professor Robinson was not implicated or even mentioned in association with any actual violence. (Robinson Aff, Exhibit M).

In sum, Professor Robinson easily satisfies each element of the *Pickering* standard. It remains only to show that this also satisfies the standards for a TRO/PI.

B. Plaintiff Has Demonstrated Irreparable Harm

The TRO/PI requirement of irreparable harm is easily satisfied here because Professor Robinson has already shown under the *Pickering* standard that he suffered an adverse action sufficient to make out a meritorious First Amendment retaliation claim. See Section II.A.1, *supra*.

The "loss of First Amendment freedoms, for even minimal periods of time unquestionably constitutes irreparable injury." *McDonald v. Longley*, 4 F.4th 229, 255 (5th Cir. 2021) (finding reversible error and abuse of discretion in the denial of a preliminary injunction for violation of First Amendment rights) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). See also *Opulent Life Church v. City of Holly Springs Miss.*, 697 F.3d 279, 294-97 (5th Cir. 2012) (finding abuse of discretion where infringement of First Amendment rights was disregarded as irreparable harm).

Other courts have recognized faculty termination as First Amendment retaliation that inflicts irreparable harm. *See, e.g., Hook v. Rave*, No. 4:25-CV-04188, 2025 U.S. Dist. LEXIS 448931, at *13 (D.S.D. Sep. 24, 2025) (granting TRO to professor fired for posting controversial statements about Charlie Kirk’s murder on Facebook and holding “in cases implicating the First Amendment, courts normally assume irreparable injury because ‘the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury’”) (quoting *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020)).

In fact, TXST itself just lost a TRO/PI motion in state court on similar facts to those presented here. *See Alter v. Tex. St. Univ. Sys.*, No. 25-2729-DCF (483rd Dist. Ct., Hays Cty., Tex. Sep. 26, 2025) (attached for the Court’s convenience as Exhibit 1 to this motion) (finding “substantial threat that the movant will suffer irreparable injury if the injunction is denied” and ordering immediate reinstatement of professor). In that case, TXST fired Professor Thomas Alter because, just like Professor Robinson, Professor Alter had spoken at a conference where he expressed political views that led an online influencer to publicly call for his firing. *See* Plaintiff’s First Amended Verified Petition and Application for Temporary and Permanent Injunctive Relief, *Alter v. Tex. State Univ. Sys.*, No. 25-2729-DCF (483rd Dist. Ct., Hays Cty., Tex. filed Sep. 22, 2025).

Professor Robinson is faced with losing much more than his job. He has also been compelled to self-censor his past and future manuscripts to avoid further repercussions. Robinson Aff, ¶¶ 99-102. And the taint of TXST’s disciplinary process has effectively blackballed Professor Robinson in academic philosophy. *Id.*, ¶¶ 94-95. It is overwhelmingly likely that he will be forced to exit the field of academic philosophy, for which there is no demand outside of academic life, e.g., in private industry. *Id.*, ¶ 87. “[I]n order to provide the

jealous protection that the First Amendment clearly deserves, courts must be able to enjoin activity that seeks to penalize past speech or deter future speech.” *Kadalie v. Bd. of Regents of the Univ. Sys. of Ga.*, No. CV404-101, 2005 U.S. Dist. LEXIS 51584, at *4-7 (S.D. Ga. July 18, 2005) (granting preliminary injunction where tenured professor was subjected to suspension and pay reduction in retaliation for expression protected by the First Amendment) (citing *Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir. 1983)).

The Fifth Circuit has made clear that where employers trample rights otherwise protected by the Constitution, money damages are not sufficient. In *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 U.S. App. LEXIS 4347, at *23 (5th Cir. Feb. 17, 2022), the court reversed a District Court’s denial of a preliminary injunction under Title VII. The plaintiff-employees had been given “two options: violate their religious convictions or lose all pay and benefits indefinitely” and the employer was “actively coercing employees to abandon their convictions”—which in that case involved mandatory COVID vaccinations. Similarly, TXST has not only blackballed Professor Robinson; the university is also coercing him to abandon his convictions through self-censorship. *See also Ass’n of Univ. Professors v. Trump*, No. 25-cv-07864-RFL, 2025 U.S. Dist. LEXIS 224922, at *126 (N.D. Cal. Nov. 14, 2025) (finding irreparable harm and likelihood of success on the merits of a First Amendment retaliation claim where plaintiffs experienced ongoing chilling effects manifested in “the way they teach, research, and engage in public discourse...”).

Professor Robinson has already suffered irreparable harm in the deprivation of his First Amendment rights under the United States Constitution, and without injunctive relief, he will continue to do so.

C. The Balance of Interests Favors the Entry of a Preliminary Injunction/Temporary Restraining Order

As already set forth above, this standard is no different from that required to make out a claim of First Amendment retaliation under *Pickering*, which likewise requires a balancing of state in the public interests against those of the private citizen who speaks. See *Pickering v. Bd. of Educ.*, 391 U.S. at 568. See also *Speech First, Inc. v. McCall*, No. 1:23-cv-411-DAE, 2023 U.S. Dist. LEXIS 246986, at *31 (W.D. Tex. Sep. 1, 2023) (“As to the balance of harms and public interest, the only harm here ‘is the inability to . . . violat[e] the First Amendment, which is really no harm at all’”) (quoting *McDonald v. Longley*, 4 F.4th 229, 255 (5th Cir. 2021)).

Finally, “injunctions protecting First Amendment freedoms are always in the public interest.” *Texans for Free Enter. V. Tex. Ethics Comm’n*, 732 F.3d 535, 539 (5th Cir. 2013) (quotation marks omitted).

The balancing of interests overwhelmingly favors Professor Robinson.

CONCLUSION

For the foregoing reasons, the Court should enter a Temporary Restraining Order enjoining Texas State University from terminating Plaintiff Idris Robinson and schedule an evidentiary hearing on Plaintiff’s Preliminary Injunction Motion as soon as practical.

Dated: March 24, 2026

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that on March 20, 2026, pursuant to Local Rule CV-7(g), I contacted counsel for Defendants regarding the Motion for Temporary Restraining Order/Preliminary Injunction to inquire whether the matter could be resolved by agreement prior to filing the motion. To date, counsel for Defendants has not provided their position on this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2026, I electronically filed the foregoing with the Clerk of Court, to be served on all parties of record registered with the CM/ECF system. I also certify that the foregoing was served on the same date by email on the following parties:

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