

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ALEJANDRO RAMIREZ, an individual,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, an Indiana non-profit,

Defendant.

Case No. 4:26-cv-00542-DCN

**MEMORANDUM DECISION
AND ORDER**

I. INTRODUCTION

Before the Court is Plaintiff Alejandro Ramirez’s Motion for Temporary Restraining Order and/or Preliminary Injunction. Dkt. 2 (the “Motion”). Ramirez, a master student at Idaho State University (“ISU”) and member of the ISU football team, asks the Court to enjoin Defendant National Collegiate Athletic Association (the “NCAA”) from enforcing its junior college (“JUCO”) eligibility limitation bylaws (the so-called “Five-Year Rule”) against him. Ramirez did not request relief by a specific date but rather pointed out that ISU’s football season begins on August 29, 2026, and that absent an injunction, he will lose out on playing experience, forfeit scholarship funds, and potentially miss classes for his master’s program.

For the reasons set forth below, Ramirez’s Motion is GRANTED in PART. The Motion is granted to the extent Ramirez seeks a temporary restraining order enjoining the NCAA from enforcing its Five-Year Rule against him. The Court further temporarily

enjoins the NCAA from enforcing its “Rule of Restitution” against ISU if Ramirez is ultimately unsuccessful on his request for a preliminary injunction. The Court’s order will last only until it can hold an initial hearing pursuant to Federal Rule of Civil Procedure 65. The Court will not enter a preliminary injunction at this time. It will consider that portion of Ramirez’s request only after more briefing and a hearing.

II. BACKGROUND¹

The NCAA is an unincorporated association in Indianapolis, Indiana, that governs over 1,000 member institutions, with more than 300 institutions in Division I (the highest level of competitive collegiate sports). Only four-year institutions can be members of the NCAA. The NCAA’s Division I bylaws (the “Bylaws”) govern a student-athlete’s eligibility to compete at a NCAA Division I member institution. Under Article 12 of the Bylaws, a student-athlete has only five calendar years to compete in “four seasons of intercollegiate competition in any one sport.” Dkt. 2-7 at 61 (the “Five-Year Rule”). “Intercollegiate competition” includes when a student-athlete, whether at a two-year or four-year institution, represents the institution against outside competition, competes in the uniform of the institution, or competes and receives expenses from the institution for the competition. *Id.* at 50–51. With few exceptions, the five-year period runs “from the beginning of the semester or quarter in which the student-athlete first registered for a minimum full-time program of studies in a collegiate institution,” including two-year institutions. *Id.* at 61. Thus, a student-athlete who competes at a JUCO before transferring

¹ At this stage, the Court has only Ramirez’s version of the facts. The background information is, therefore, in accordance with his representations.

to a NAAA Division I institution has fewer seasons and years of eligibility to compete in Division I than student-athletes who enroll directly in a Division I institution.

Ramirez is a 23-year-old master student at ISU and offensive lineman on ISU's football team. In 2021, after graduating high school, Ramirez joined the Modesto Junior College ("Modesto") football team and competed in the 2021–22 season. Modesto is a JUCO and not a member of the NCAA. Following the 2021–22 season, Ramirez pursued opportunities to transfer to a NCAA Division I program but decided to return to Modesto for another season after being told (incorrectly) by a recruiter that he was a "nonqualifier," meaning he was unable to transfer and compete for the Division I institution in the same year. *See* Dkt. 4, ¶ 10. Following the 2022–23 season, Ramirez transferred to ISU—a NCAA Division I member—and joined their football team, where he competed in the 2023–24 season. Ramirez redshirted (*i.e.*, sat out) the 2024–25 season due to a season-ending injury (ACL). In 2025, Ramirez was medically cleared and competed in the 2025–26 season. He practiced with the ISU football program throughout the spring of 2026 in preparation for this upcoming football season and has been elected captain of the team in anticipation of his ability to play in the upcoming season.

Since transferring to ISU, Ramirez has benefitted from athletic financial aid, which allowed him to complete his bachelor's degree and pursue a master's degree while playing football. In hopes of completing his master's degree, Ramirez requested that ISU submit a one-year eligibility waiver application to the NCAA on his behalf. In anticipation of Ramirez obtaining a waiver to compete in the 2026–27 season, ISU offered Ramirez a financial aid package with a total earning potential of \$94,150, including scholarship funds

for his master's program. ISU submitted the eligibility waiver application in July 2026, citing Ramirez's years at a JUCO program (including an additional year due to erroneous recruiter advice) and his incapacitating injury in 2024 as justification for the waiver.

The NCAA denied the waiver on July 16, 2026, citing that Ramirez already had four participation opportunities in the 2021–21, 2022–23, 2023–24, and 2025–26 seasons, and that he has exhausted his five-years of eligibility. It is unclear whether ISU appealed that decision. Without the waiver, Ramirez is ineligible to compete on the ISU football team and unable to sign the financial aid package and receive the scholarship funds for his master's program.

III. LEGAL STANDARD

A plaintiff seeking a preliminary injunction or a temporary restraining order (“TRO”) must establish “(1) that he is likely to succeed on the merits; (2) that he is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest.” *CTIA-The Wireless Ass’n v. City of Berkeley*, 854 F.3d 1105, 1114 (9th Cir. 2017) (citation modified). A preliminary injunction and a TRO generally serve the same purpose of “preserv[ing] the status quo ante litem pending a determination of the action on the merits.” *Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980); *see also* Fed. R. Civ. P. 65.

A key difference between a TRO and a preliminary injunction is its respective duration. A TRO is typically for a limited time, while a preliminary injunction may extend

until the end of the lawsuit, which could be months, if not years. *Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150, 1156 n.1 (D. Or. 2018).

IV. DISCUSSION

For the reasons set forth below, the Court finds Ramirez has met his burden for a TRO.

A. Likelihood of Success

“Likelihood of success on the merits ‘is the most important’” factor in determining whether a preliminary injunction should issue. *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017). This standard “does not require a plaintiff to show that it is more likely than not that it will win on the merits” but rather that “there is a substantial case for relief on the merits.” *Watersheds Project v. Zinke*, 336 F. Supp. 3d 1204, 1218 (D. Idaho 2018).²

Ramirez challenges the JUCO eligibility limitation in the Five-Year Rule as a violation of Section 1 of the Sherman Act. Given the Supreme Court’s holding in *Alston* and other appellate courts’ holdings, the Court assumes the Five-Year Rule is a commercial restraint subject to the Sherman Act. *See NCAA v. Alston*, 594 U.S. 69, 94 (2021) (finding the NCAA is a “commercial enterprise” subject to the Sherman Act); *Robinson v. NCAA*, 172 F.4th 271, 289 (4th Cir. 2026) (joining other appellate courts in concluding post-*Alston*

² At this preliminary stage, it is unclear whether the injunction Ramirez seeks is mandatory or prohibitive. *See Martinson v. Nat’l Collegiate Athletic Ass’n*, 804 F. Supp. 3d 1109, 1123–24 (D. Nev. 2025) (discussing without deciding whether an injunction against the NCAA from enforcing its Five-Year Rule is a mandatory or prohibitive injunction). For purposes of this decision, the Court will treat the requested relief as “prohibitive” since the injunction seeks to prohibit the NCAA from enforcing its Five-Year Rule as to Ramirez and does not require the NCAA to do anything.

that the NCAA’s eligibility rules are subject to the Sherman Act) (citing *Elad v. NCAA*, 160 F.4th 407, 414-15 (3rd Cir. 2025); *Fourquarean v. NCAA*, 143 F.4th 859, 863 (7th Cir. 2025)). The Court also assumes that the Five-Year Rule must be evaluated using the rule of reason analysis. *See Robinson*, 172 F.4th at 291–92 (finding a “close read of *Alston* suggests” that the Five-Year Rule is not “necessary to produce a game,” and therefore must be evaluated using the rule of reason analysis).

A threshold issue in this case will be whether Ramirez has provided sufficient support for the Court to define the relevant market. *See Johnson v. NCAA*, 2025 WL 1790345, at *10 (D. Mont. 2025) (“First, ‘the plaintiff has the initial burden to prove that the challenged restraint has a substantial anticompetitive effect that harms consumers in the relevant market.’”) (quoting *Ohio v. Am. Express Co.*, 585 U.S. 529, 541 (2018)). Indeed, in cases involving challenges to the NCAA’s eligibility rules, several appellate courts have reversed lower court injunctions for failing to define the relevant market. *See Elad*, 160 F.4t at 416–17; *Robinson*, 172 F.4th at 294; *Fourquarean*, 143 F.4th at 869–70. At this juncture, the Court gives Ramirez the benefit of the doubt that he has provided sufficient support to define the relevant market as a nationwide labor market for NCAA Division I football-player services, which is consistent with other courts considering antitrust challenges to NCAA eligibility rules. *See Braham v. NCAA*, 794 F. Supp. 3d 824, 834 (D. Nev. 2025); *Martinson v. NCAA*, 804 F. Supp. 3d 1109, 1125 (D. Nev. 2025).³

³ The Court is skeptical that a plaintiff must submit “robust market analysis” at the preliminary injunction stage, especially considering the near-unanimous view that the NCAA holds monopsony power in the market for student athlete services, and that that power has only grown post-*Alston* with respect to NCAA Division I sports. *See Martinson*, 804 F. Supp. 3d at 1125.

Next, the Court preliminarily finds that Ramirez is likely to succeed on the merits that the Five-Year Rule has a substantial anticompetitive effect on the labor market for NCAA Division I football players because it treats former JUCO student-athletes, who are otherwise capable of providing Division I football services, different than student-athletes who enroll directly to NCAA Division I schools. And even if there is a procompetitive rationale for the Five-Year Rule, there are likely other less-anticompetitive means that can achieve similar procompetitive effects.

B. Irreparable Harm

At this stage, it is the Court's view that Ramirez will likely suffer harm if he is unable to compete and sign his financial aid package. Fall classes at ISU began earlier this week, and ISU's opening football game is on Saturday. Missing out on these opportunities will likely result in irreparable harm.⁴

C. Balance of Hardship

The balance of hardship tips in Ramirez's favor. As explained, Ramirez stands to lose substantial playing experience and potentially miss out on his master's program classes. Meanwhile, it appears there is little risk of harm to the NCAA, and allowing Ramirez to compete in ISU's opening game is not a significant hardship on the NCAA.⁵

⁴ The Court is aware of the potential unfair effect that eleventh-hour requests for relief have on the parties, let alone the burden it places upon the courts. For purposes of this TRO, the Court does not take into account the justifications (if any) Ramirez has for filing his Complaint one business-day before classes began at ISU and one week before ISU's football season begins but will revisit this topic at the hearing and in its broader ruling on the Motion.

⁵ At this time, the Court is not deciding the hardship allowing Ramirez to play places upon other student-athletes on the ISU football team, who are not parties to this litigation.

D. Public Interest

The public interest is served by an injunction because it has minimal effect on the status quo until the issues in this litigation are resolved.⁶

E. The Rule of Restitution

To ensure that the granting of this TRO is given teeth, the Court is temporarily enjoining the NCAA from enforcing its Rule of Restitution against ISU, should Ramirez ultimately be unsuccessful on his request for a preliminary injunction.

F. Bond

At this stage, the Court will not require Ramirez to post a bond but will revisit the issue after briefing and a hearing on Ramirez's Motion.

V. ORDER

Now, therefore, **IT IS HEREBY ORDERED:**

1. Ramirez's Motion for Temporary Restraining Order and/or Preliminary Injunction (Dkt. 2) is GRANTED in PART. It is GRANTED to the extent Ramirez seeks a TRO. Ramirez's request for a preliminary injunction will be HELD IN ABEYANCE pending a hearing.
2. The NCAA is temporarily enjoined from enforcing its Five-Year Rule against Ramirez, and from enforcing its Rule of Restitution against ISU should Ramirez ultimately be unsuccessful on his request for a preliminary injunction.

⁶ As explained above in footnote 2, the Court is not deciding at this time whether the requested injunction is prohibitive or mandatory. But Ramirez participated in Spring practices, has been elected captain for the upcoming season, and was offered a financial aid package in anticipation of playing in the Fall. Temporarily prohibiting the NCAA from enforcing its Five-Year Rule as to Ramirez appears to have minimal effect on the status quo.

3. This TRO is effective at the time of publishing and shall remain in full force and effect until further notice.
4. A hearing will be held at 10:00am on Friday, September 4, 2026, at the Federal Courthouse in Pocatello, Idaho. The NCAA's response to Ramirez's Motion is due on or before August 31, 2026, and Ramirez's reply on or before September 2, 2026.



DATED: August 27, 2026


David C. Nye
U.S. District Court Judge