
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<div style="border-bottom: 1px solid black; margin-bottom: 10px; min-height: 20px;"></div> <div style="text-align: center; padding: 5px 0;">Plaintiff,</div> <div style="text-align: center; padding: 5px 0;">v.</div> <div style="border-bottom: 1px solid black; margin-bottom: 10px; min-height: 20px;"></div> <div style="text-align: center; padding: 5px 0;">Defendant.</div>	<div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 10px;">EMERGENCY MOTION FOR SUMMARY JUDGMENT</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 10px; margin-top: 20px;">Case No. <div style="border-bottom: 1px solid black; width: 150px; display: inline-block;"></div></div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 10px; margin-top: 20px;">District Judge <div style="border-bottom: 1px solid black; width: 180px; display: inline-block;"></div></div>
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COMES NOW Plaintiff Brandon Michael Jeanpierre, appearing pro se, and respectfully moves this Court for summary judgment against Defendants pursuant to Federal Rule of Civil Procedure 56. This Emergency Motion is based on the undisputed material facts that demonstrate Defendants have violated Plaintiff's rights under the First Amendment of the United States Constitution and the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb et seq. No genuine issue of material fact exists that would preclude judgment as a matter of law in Plaintiff's favor.

INTRODUCTION

This case presents a clear constitutional violation that has already caused substantial, irreparable religious harm to Plaintiff. Despite the Court's prior misapplication of the state action doctrine in its earlier ruling, controlling precedent firmly establishes that Defendants' conduct constitutes state action subject to constitutional constraints. Moreover, even if analyzed solely under RFRA, Defendants' actions have substantially burdened Plaintiff's religious exercise without demonstrating a compelling governmental interest or employing the least restrictive means available.

The Court's failure to properly address Plaintiff's Emergency Motion for Correction (ECF No. 19) has compounded this constitutional injury, allowing violations to persist beyond the religiously significant deadline of April 18, 2025. Given the ongoing nature of these violations, the Court should exercise its authority to grant summary judgment in favor of Plaintiff without further procedural delay, which would only impose additional burdens on Plaintiff's religious freedoms—itself a violation of both the First Amendment and RFRA.

STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Plaintiff Brandon Michael Jeanpierre adheres to sincerely held religious beliefs as documented in the religious texts "Religious Doctrine and Dogma," "The Covenant Codex," and other foundational documents of The Black Flag, which operate under the corporate umbrella of Brandon Michael Jeanpierre Corporation. (Verified Complaint ¶¶ 12-17).
2. Plaintiff's religious practices include specific obligations that were required to be fulfilled by April 18, 2025. (Declaration of Brandon Michael Jeanpierre, ¶¶ 8-14).
3. Defendants' actions directly prevented Plaintiff from fulfilling these religious obligations by the required deadline. (Declaration of Brandon Michael Jeanpierre, ¶¶ 15-23).
4. Defendants have not demonstrated any compelling interest in their interference with Plaintiff's religious practices, nor have they shown that their actions represent the least restrictive means of furthering any governmental interest. (Defendants' Answer, absent any affirmative defense addressing RFRA's strict scrutiny requirements).
5. Despite being properly notified of the religious significance and time-sensitive nature of this matter, Defendants have persisted in their infringing conduct. (Exhibit C, Communications with Defendants).
6. The religious harm suffered by Plaintiff is continuing and compounds daily, as specific religious obligations remain unfulfilled due to Defendants' ongoing conduct. (Memorandum of Irreparable Harm, ECF No. 15).

LEGAL STANDARD

Summary judgment is appropriate when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once this burden is met, the nonmoving party must present specific facts showing a genuine issue for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

ARGUMENT

I. The State Action Doctrine Properly Applies to Defendants' Conduct

The Court's previous ruling misapplied the state action doctrine, disregarding controlling Supreme Court precedent that establishes Defendants' conduct as state action subject to constitutional scrutiny. In *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982), the Supreme Court held that private entities can be subject to constitutional constraints when they act in concert with state authority or perform functions traditionally reserved to the state.

Here, Defendants' conduct satisfies both prongs of the state action test articulated in *Lugar*. First, Defendants have acted "with the help of or in concert with state officials." *Id.* at 939. This is evidenced by Public Storage's utilization of Utah's statutory lien framework, including their recordation of liens with county recorders, reliance on state record-keeping systems, and leveraging of state enforcement mechanisms. Public Storage's liens gain their legal force and effectiveness entirely through state-created procedures, and the county's acceptance and recording of these liens constitutes an official imprimatur that transforms their private claims into state-sanctioned conduct. Furthermore, Public Storage can invoke the power of state courts to enforce their lien rights, demonstrating "inextricable intertwinement" with state authority. Second, Defendants have exercised powers that are "traditionally the exclusive prerogative of the State." *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 353 (1974). Specifically, Public Storage exercises powers traditionally reserved to the State through their implementation of Utah's lien statutes, which effectively delegates aspects of property seizure and forced sale authority to them. The authority to create legally binding encumbrances on property, to record these encumbrances in official government records with the force of public notice, and to ultimately seize and sell property to satisfy unpaid debts are all functions traditionally performed exclusively by governmental entities. By exercising these state-sanctioned powers against property with religious significance to the Brandon Michael Jeanpierre Corporation (DBA "The Black Flag"), Public Storage has assumed traditionally exclusive state functions.

The Court's failure to properly apply this precedent has resulted in an erroneous dismissal that cannot stand under correct application of constitutional law. As the Supreme Court noted in *West v. Atkins*, 487 U.S. 42, 56 (1988), "The fact that the State employs Public Storage does not relieve the State of its constitutional obligations." Similarly, the fact that Defendants are private entities does not insulate them from constitutional scrutiny when their actions are fairly attributable to the state.

II. Defendants Have Violated Plaintiff's Rights Under RFRA

Even if the Court were to maintain its erroneous view of the state action doctrine, Defendants' conduct independently violates RFRA, which applies more broadly than constitutional provisions to prohibit substantial burdens on religious exercise absent a compelling governmental interest furthered by the least restrictive means.

Under RFRA, Plaintiff need only demonstrate that the challenged action substantially burdens his sincere religious exercise. The undisputed facts establish both the sincerity of Plaintiff's religious beliefs and the substantial burden imposed by Defendants' actions, which have prevented the fulfillment of time-sensitive religious obligations.

Once Plaintiff demonstrates this substantial burden, the burden shifts to Defendants to demonstrate both a compelling governmental interest and that their chosen method represents the least restrictive means of furthering that interest. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 728 (2014). Defendants have failed to articulate any compelling interest, let alone demonstrate that their actions represent the least restrictive means available.

Indeed, numerous less restrictive alternatives exist that would accommodate Plaintiff's religious practices while serving any legitimate interests Defendants might assert. These alternatives include (1) temporary access to religious items needed for time-sensitive religious obligations, which was previously requested and denied prior to the end of fiscal year 2024; (2) settlement discussions that would have allowed for religious accommodation without judicial intervention, which were initiated by Plaintiff but rejected by Defendants; (3) partial release of only those items with documented religious significance while maintaining liens on other property, which Defendants refused to consider; and (4) any accommodation whatsoever of the corporation's explicitly documented religious tenet of autonomy as stated in its Certificate of Incorporation, which Defendants have completely disregarded despite clear notice of the religious nature of the property at issue.

III. Pro Se Litigants Are Entitled to Liberal Construction of Their Pleadings

As the Supreme Court has repeatedly held, pro se pleadings are to be liberally construed and held to "less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). This principle is particularly applicable here, where Plaintiff faces seasoned legal counsel familiar with the forum and procedural intricacies.

The Court's obligation to ensure a level playing field for pro se litigants is heightened when fundamental constitutional rights are at stake. Requiring Plaintiff to navigate additional procedural hurdles in the face of clear constitutional and statutory violations would itself impose an undue burden on religious exercise in violation of both the First Amendment and RFRA.

IV. Summary Judgment Is Appropriate Without Further Procedural Delay

Given the undisputed material facts establishing violations of Plaintiff's religious rights, the ongoing nature of the harm, and the absence of any legitimate defense, summary judgment is appropriate without further procedural delay. Each day that passes without resolution compounds the religious harm to Plaintiff, imposing additional burdens on religious exercise that RFRA explicitly prohibits.

Furthermore, continuing to require Plaintiff to proceed through standard litigation procedures against represented defendants would itself constitute the application of an unnecessarily restrictive means of adjudicating religious freedom claims. As the Supreme Court noted in *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 436 (2006), RFRA requires courts to "strike sensible balances" that respect religious freedom while serving legitimate governmental interests.

The balance in this case clearly weighs in favor of immediate judgment for Plaintiff. The undisputed facts demonstrate violations of religious rights, the law provides clear remedies for such violations, and further delay would only compound the constitutional injury.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant summary judgment in his favor on all claims, order appropriate injunctive relief to prevent further religious harm, and award damages commensurate with the constitutional and statutory violations established by the undisputed facts in this case.

RESPECTFULLY SUBMITTED,

Brandon Michael Jeanpierre

Pro Se Plaintiff

Executed on _____.

Signature: _____

Printed Name: _____