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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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<p>_____,</p> <p>Plaintiff,</p> <p>v.</p> <p>_____,</p> <p>Defendant.</p>	<p>SECOND EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND IMMEDIATE RELIGIOUS RELIEF PURSUANT TO SB150 AND FIRST AMENDMENT</p> <p>Case No. _____</p> <p>District Judge _____</p>
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EMERGENCY RELIEF REQUESTED BY APRIL 30, 2025

Plaintiff Brandon Michael Jeanpierre, pro se, hereby moves this Court on an emergency basis for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b) and requests immediate religious relief under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq., and the First Amendment to the United States Constitution.

I. INTRODUCTION AND FACTUAL BACKGROUND

This case presents an emergency situation requiring immediate judicial intervention to provide some minimal justice of relief from irreparable religious harm. The State of Utah Third Judicial District Court dismissed Plaintiff's state court action on April 16, 2025 (Certificate of Notification attached as Exhibit SSS), leaving Plaintiff without remedy after the unjust denial of emergency relief sought on the eve of a critical religious deadline established in The Black Flag's religious texts.

A critical April 18, 2025 deadline—already passed—represented a mandatory timeline for religious corporate activations that could not be postponed without substantial, irreparable religious harm. This religious deadline is explicitly documented in The Black Flag's Blueprint for Global Expansion (Exhibit T) and has been formally recognized by both Delaware (through acceptance of religious corporate documents) and the IRS (through 501(c)(3) determination on April 19, 2024, Exhibit A).

Defendant Public Storage has detained Plaintiff's sacred religious property since November 2024 over a disputed storage fee of approximately \$780.30, despite receiving multiple notices regarding the religious nature of the property and the approaching April deadline. Defendant has systematically rejected all good-faith settlement attempts, including Plaintiff's offer to pay 75% of the alleged debt while receiving return of religious property necessary for time-sensitive religious observance.

Every hour of continued detention increases the religious harm as the April 18th deadline has already passed. The Supreme Court has recognized that "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *\*Roman Catholic Diocese of Brooklyn v. Cuomo\**, 141 S. Ct. 63, 67 (2020). This principle applies with particular force here, where Defendant's actions are preventing the exercise of religious practices explicitly protected under both the First Amendment and SB150.

## II. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

To obtain a temporary restraining order, a party must establish: "(1) a substantial likelihood of success on the merits; (2) irreparable harm to the movant if the injunction is denied; (3) the threatened injury outweighs the harm that the preliminary injunction may cause the opposing party; and (4) the injunction, if issued, will not adversely affect the public interest." *\*Gen. Motors Corp. v. Urban Gorilla, LLC\**, 500 F.3d 1222, 1226 (10th Cir. 2007).

When First Amendment freedoms are at stake, courts apply heightened scrutiny to ensure protection of fundamental religious liberties. *\*See Hobby Lobby Stores, Inc. v. Sebelius\**, 723 F.3d 1114, 1145 (10th Cir. 2013), *\*aff'd sub nom. Burwell v. Hobby*

Lobby Stores, Inc.\*, 573 U.S. 682 (2014) (recognizing that burdens on religious exercise require the most exacting scrutiny).

### III. ARGUMENT

#### A. Substantial Likelihood of Success on the Merits

Plaintiff is substantially likely to succeed on the merits of his SB150 and First Amendment claims. The Black Flag's religious status has been formally recognized by:

1. The State of Delaware through acceptance of its Certificate of Incorporation on March 7, 2023 (Exhibit B), which explicitly states the religious purpose: "Whatever the fuck I feel like doing. In adherence to the religious tenant of one's body being one's temple, the individual entity, Brandon Michael Jeanpierre, founding member of the organization, Brandon Michael Jeanpierre, is granted autonomy of mind, body, spirit, emotion, and execution of will regardless of opinion of any and all other individual(s), entity, or entities, save reasonable consideration of consequences potentially affecting any and all other entities..."; and
2. The Internal Revenue Service through its 501(c)(3) Determination Letter dated April 19, 2024 (Exhibit A), granting The Black Flag official religious organization status after reviewing its religious governance documents.

The Supreme Court has established that religious beliefs "need not be acceptable, logical, consistent, or comprehensible to others" to merit First Amendment protection. \*Thomas v. Review Bd. of Indiana Employment Security Div.\*, 450 U.S. 707, 714 (1981). This Court recently affirmed in \*Singularism v. Provo City\* (D. Utah, Feb. 20, 2025) that "for that guarantee of religious liberty to mean anything, the laws must protect unfamiliar religions equally with familiar ones, both in design and in practice."

Defendant's continued detention of religious property—after receiving explicit notice of its religious significance—constitutes a substantial burden on religious exercise without furthering any compelling governmental interest through the least restrictive means, in direct violation of both SB150 and the First Amendment.

In *\*Burwell v. Hobby Lobby Stores, Inc.\**, 573 U.S. 682 (2014), the Supreme Court recognized that corporations can exercise religious beliefs deserving of constitutional protection. Public Storage's actions directly interfere with The Black Flag's corporate religious practices by preventing the religiously mandated April 18, 2025 corporate activations explicitly required by religious doctrine.

For Defendant's role as a state actor, very much subject to satisfaction of the damages claimed by Plaintiff, please read "LEGAL MEMORANDUM: ESTABLISHING PUBLIC STORAGE AS A STATE ACTOR UNDER 42 U.S.C. § 1983" (Exhibit PPPPP).

For further legal justification of Plaintiff's undeniable standing to receive, both the temporary relief sought and claim to the overall damages sought, through case law precedent and codification, please refer to the following:

i) "SUPPLEMENTAL MEMORANDUM ON RELIGIOUS ENTANGLEMENT DOCTRINE AND ITS APPLICATION TO RFRA CLAIMS AGAINST PRIVATE ENTITIES (Exhibit RRRRR);

ii) "SUPPLEMENTAL MEMORANDUM REGARDING SELF STORAGE INDUSTRY'S LOBBYING EFFORTS CONFIRMING STATE ACTION STATUS" (Exhibit SSSSS);

iii) "SUPPLEMENTAL MEMORANDUM ON STATE OF UTAH'S CONSTITUTIONAL LIABILITY AND SYSTEMIC CIVIL RIGHTS VIOLATIONS" (Exhibit TTTTT);

iv) "DECLARATION SUPPORTING LEGAL CHECKMATE POSITION AND IMMEDIATE FINAL JUDGMENT" (Exhibit JJJJ);

v) "MOTION TO VOID WRONGFUL LIEN SALE, ENJOIN DEFENDANT, AND SEEK DAMAGES FOR VIOLATIONS OF RELIGIOUS AND NONPROFIT PROTECTIONS (Exhibit ZZ);

vi) "PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO MOTION TO VOID WRONGFUL LIEN SALE, ENJOIN DEFENDANT, AND SEEK DAMAGES FOR VIOLATIONS OF RELIGIOUS AND NONPROFIT PROTECTIONS" (Exhibit TTTT);

vii) “REQUEST FOR EVIDENTIARY HEARING Plaintiff ON RELIGIOUS-CORPORATE UNITY” (Exhibit UUUU);

viii) “SECOND SUPPLEMENTAL ARGUMENT IN SUPPORT OF MOTION TO DISMISS FOR RELIGIOUS VIOLENCE (Exhibit PPPP), and;

ix) A litany of other exhibits, precedent, and case law cited multiple times in both jurisdictions, that present a legal “checkmate” in terms of this claim that has only caused more harm than justice as its settlement has been unnecessarily delayed by both the Courts and Defendant.

## B. Irreparable Harm

The harm in this case is not merely irreparable but has escalated by the hour as the April 18th religious deadline is surpassed and its religious significance summarily disregarded. This deadline is not arbitrary but explicitly established in The Black Flag's religious texts as a mandatory timeline for religious corporate activations that cannot be postponed without substantial religious harm.

As the Supreme Court emphasized in *\*Roman Catholic Diocese of Brooklyn v. Cuomo\**, 141 S. Ct. 63, 67 (2020), "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." By preventing the April 18th religious observances, Defendant has directly caused irreparable religious harm that cannot be remediated through delayed compensation.

The specific irreparable harms include:

1. Prevention of religiously mandated corporate activations explicitly required by the Blueprint for Global Expansion (Exhibit T), which establishes that as resolution was not achieved by April 18, 2025, religious damages increased to \$79,317,426.12 due to missed activation deadlines;
2. Violation of The Black Flag's core religious principle of corporate-individual unity, which has been formally recognized by both Delaware and the IRS;

3. Prevention of critical tax compliance and transparency requirements for 501(c)(3) organizations, violating The Black Flag's religious doctrine established in The Covenant Codex (Exhibit E); and

4. Forced violation of The Black Flag's core religious principle: "We do no harm. We take no shit," which is foundational to its religious practice as established in Religious Doctrine and Dogma (Exhibit D).

Beyond spiritual harm, Defendant's actions have also created physical, material harms, making it impossible for The Black Flag to meet IRS filing deadlines and jeopardizing its religious tax status through no fault of its own.

5. Please see further detail of irreparable harm in "MEMORANDUM OF IRREPARABLE HARM AND CLIMATE IMPERATIVES IN SUPPORT OF EMERGENCY RELIEF" (Exhibit QQQQQ), and "NOTICE OF URGENCY REGARDING PENDING MOTION FOR CORRECTION OF TRO DENIAL" (Exhibit UUUUU).

### C. Balance of Harms

The balance of harms overwhelmingly favors Plaintiff. While Defendant faces at most a 24-hour delay in receiving approximately \$780.30 (the disputed storage fee), Plaintiff has already faced irreparable religious harm since the April 18th deadline passes without the return of sacred religious property.

Defendant's Annual Report (Exhibit III) reveals a multi-billion-dollar corporation with over 2,900 facilities nationwide. The minimal financial impact on such a large entity is vastly outweighed by the constitutional religious harm to Plaintiff, a recognized religious organization attempting to fulfill religiously mandated obligations.

Defendant's pattern of mergers and reincorporations to avoid liability, as evidenced by multiple UCC filings (Exhibits LLL-RRR), further demonstrates that temporary financial inconvenience would cause negligible harm compared to the permanent religious injury faced by Plaintiff.

The Supreme Court has recognized that when weighing religious harm against commercial interests, religious liberty must prevail absent a compelling

governmental interest implemented through the least restrictive means. \*Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal\*, 546 U.S. 418, 429-30 (2006).

#### D. Public Interest

The public interest strongly favors protecting fundamental First Amendment freedoms and religious liberty. As this Court recognized in \*Singularism v. Provo City\* (D. Utah, Feb. 20, 2025), protecting diverse and unfamiliar religious practices furthers core American values enshrined in the Constitution.

The protection of religious liberty is particularly important when corporate religious rights are at stake, as established in \*Burwell v. Hobby Lobby Stores, Inc.\*, 573 U.S. 682 (2014). The public interest is served by ensuring that all religious organizations, regardless of their unconventional nature, receive equal protection under both the First Amendment and SB150.

Moreover, the public interest includes ensuring that 501(c)(3) religious organizations can meet their transparency and tax compliance obligations. Defendant's continued detention of essential documentation interferes with these obligations, having already harmed both The Black Flag and the taxpaying donors who supported its religious mission.

Further public interest of a small precedent set by the action of this Court in delivering swift justice by way of this TRO and emergency relief sought, and subsequently, the full, potentially escalated damages sought in the original claim, please refer to the details of state action by private entities and the state body under whose color of law they operate as highlighted in "SUPPLEMENTAL MEMORANDUM ON STATE OF UTAH'S CONSTITUTIONAL LIABILITY AND SYSTEMIC CIVIL RIGHTS VIOLATIONS" (Exhibit TTTTT). As part of the religious mission, Defendant and Courts are currently inhibiting with continued delay in providing much needed injunctive and financial relief hitherto, the findings of this new evidence will be passed to an external body for pursuit of a class action suit against the State of Utah, other States who have capitulated to, and the Self Storage Association for egregious deprivation of constitutional rights upon a, hereto uncalculated, number of Americans.

By legal, logical, and logistic chain of the prompt delivery of justice, and embedded in the religious doctrine of "The Black Flag" (see "The Covenant Codex", Exhibit E),

the greater public interest remains served by the Court delivering justice to Plaintiff, first through the injunctive and financial relief of this TRO, and then through summary judgement in Plaintiff's favor. A separate motion for which will be filed after the necessary course corrections are attempted with the much needed and immediate relief sought in this "EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND IMMEDIATE RELIGIOUS RELIEF PURSUANT TO RFRA AND FIRST AMENDMENT", currently estimated at two to four weeks to allow time for Defendant to further get their affairs in order as well.

#### E. Failure of State Court to Provide Relief

The emergency nature of this request continues to be heightened by the systematic failure of the state court system to provide substantive relief despite multiple emergency filings spanning nearly four months. The Third Judicial District Court failed to address the merits of Plaintiff's religious liberty claims, dismissing the case on April 16, 2025—just two days before the critical April 18th religious deadline explicitly established in The Black Flag's religious texts.

This pattern of delay and ultimate dismissal, despite clear religious liberty violations, necessitates immediate federal intervention to protect fundamental constitutional and statutory rights that cannot await further procedural delays.

Since the greater public interest uncovered through Plaintiff's litigation in the U.S. District of Utah stands as a result of this failure of the state Courts, however, justice delivered by this Court stands to negate the current need for further pursuit of appeal in that jurisdiction, thus relieving both the state courts and Defendant of further burdens to which they both stand currently liable. It is simply not in the interest of the public, Plaintiff, or justice overall for Plaintiff to pursue justly due damages twice over, but until relief is granted, Plaintiff reserves the right to do so and, as these processes delay Plaintiff's religious missions and increase irreparable harm further, the financial liability only increases in a direct relationship with linear time, thus positioning the Court itself to have unjustly burdened Defendant.

#### F. Discrimination Against Unconventional Religious Practice

Defendant's persistent refusal to acknowledge the legitimacy of The Black Flag's religious practices, despite formal recognition by both Delaware and the IRS, constitutes religious discrimination that this Court must remedy. Defendant's



dismissive treatment of The Black Flag's punk-inspired religious practice demonstrates animus toward unconventional religious expressions explicitly protected under the First Amendment and SB150.

Public Storage has shown a consistent pattern of abuses regarding liens, insurance, customers, auction winners, and employees, as evidenced by their recent \$5 million settlement. This pattern demonstrates a corporate culture that places profits above fundamental constitutional rights, including religious liberty.

By leveraging its substantial financial resources to wear down a recognized religious organization, Public Storage is effectively asserting that constitutional rights only apply to those with sufficient resources to enforce them—a proposition fundamentally at odds with both the letter and spirit of the First Amendment and SB150.

#### IV. CRITICAL RELIGIOUS DEADLINE HAS NOW PASSED, SUBSTANTIALLY INCREASING IRREPARABLE HARM

Since this Court's denial of Plaintiff's Emergency Ex Parte Motion for TRO on April 18, 2025, the critical religious date identified in The Black Flag's religious texts has passed. As documented in The Black Flag's Blueprint for Global Expansion (Exhibit T), April 18, 2025, represented a mandatory deadline for religious corporate activations that cannot be postponed without substantial religious harm.

The passage of this religious deadline has caused irreparable harm to Plaintiff's religious practice, substantially increasing the damages from \$41,317,426.12 to \$64,973,140.19. This escalation directly corresponds to religious implementation schedules established in The Black Flag's formally recognized religious texts.

The Supreme Court has consistently recognized that "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *\*Roman Catholic Diocese of Brooklyn v. Cuomo\**, 141 S. Ct. 63, 67 (2020). The passage of a religiously significant deadline represents precisely such an irreparable injury that cannot be remediated through delayed compensation.

#### V. RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests that this Court:

1. Issue an immediate Temporary Restraining Order requiring:

a. Defendant to cease all auction, disposition, or transfer activities related to Plaintiff's religious property currently stored in Unit E138 at Public Storage facility at 4065 W Sam's Blvd, Kearns, Utah 84118;

b. The return of all religious property to Plaintiff within 24 hours after confirmation of payment of partial damages (\$6,497,314.02, representing 10% of total damages, to be paid by end of day April 30, 2025) to facilitate religious activities that were required by April 18, 2025;

c. Defendant to allow Plaintiff immediate access to audit property for damages and missing assets on April 30, 2025, following confirmation of payment;

2. Order Defendant to pay \$6,497,314.02 (10% of the \$64,973,140.19 total damages sought) by end of business (10PM MST) Wednesday, April 30, 2025, to enable the performance of religious activities that have been delayed, noting that the temporary relief sought now has increased due to the impact of having missed the original religious deadline of April 18, 2025, with payment satisfied by charitable, and tax-deductible for Defendant, donation to PayPal Giving Fund link:

i) [https://www.paypal.com/donate/?hosted\\_button\\_id=WEA7ZQZH7QQXQ](https://www.paypal.com/donate/?hosted_button_id=WEA7ZQZH7QQXQ)

ii) QR Code:



3. Order that Defendant publish sincere, humble apologies on its social media and website to "The Black Flag" for its callous behavior; and

4. Grant such other and further relief as this Court deems just and proper to protect Plaintiff's fundamental religious liberties.

#### V. VERIFICATION


I, Brandon Michael Jeanpierre, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

RESPECTFULLY SUBMITTED,

Brandon Michael Jeanpierre

Pro Se Plaintiff

Executed on \_\_\_\_\_

Signature:  \_\_\_\_\_

Printed Name: \_\_\_\_\_