
Name

Address

Telephone

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

Plaintiff,

vs.

Defendant(s).

Case No.: _____

Judge: _____

DATED: _____.



Signature

EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND IMMEDIATE RELIGIOUS RELIEF PURSUANT TO RFRA AND FIRST AMENDMENT

EMERGENCY RELIEF REQUESTED BY APRIL 18, 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 prevent 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 on the eve of a critical religious deadline established in The Black Flag's religious texts.

The April 18, 2025 deadline—just one day away—represents a mandatory timeline for religious corporate activations that cannot 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 approaches. 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 RFRA.

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 RFRA 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 RFRA 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.

B. Irreparable Harm

The harm in this case is not merely irreparable but escalating by the hour as the April 18th religious deadline approaches. 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 is directly causing 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 if resolution is not achieved by April 18, 2025, religious damages increase 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.

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 faces irreparable religious harm if 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 RFRA.

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, potentially harming both The Black Flag and the taxpaying donors who supported its religious mission.

E. Failure of State Court to Provide Relief

The emergency nature of this request is 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.

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 RFRA.

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 RFRA.

IV. 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 (\$4,057,089, representing 10% of total damages) to facilitate religious activities required by April 18, 2025;

c. Defendant to allow Plaintiff immediate access to audit property for damages and missing assets on April 18, 2025, following confirmation of payment;

2. Order Defendant to pay \$4,057,089 (10% of the \$41,317,426.12 total damages sought) by end of day April 18, 2025, to enable the performance of religious activities that cannot be delayed;

3. Set a hearing on Plaintiff's request for a Preliminary Injunction at the earliest possible date; 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.

Executed on _____.
[DATE]

Signature: _____

Printed Name: _____

CERTIFICATE OF SERVICE

I certify that on _____ a copy of the above motion was served, by first class U.S. mail, fax, email, or hand-delivery, to
at

(Opposing party or counsel)

(Address)

Dated: _____

Signature