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14 **IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF**
15 **MISSISSIPPI**
16 **NORTHERN DIVISION**
17

18 Case No. _____

19 HOWARD BROWN

COMPLAINT AND JURY DEMAND

20 BRANDON SIBLEY,

21 *Plaintiffs,*

22 *v.*

23 CHOCTAW RESORT DEVELOPMENT ENTERPRISE,

24 WILLIAM SONNY JOHNSON in his individual and professional capacity,

25 MISSISSIPPI BAND OF CHOCTAW INDIANS,

26 BEN CYRUS in his individual and official capacity as Chief of the MISSISSIPPI BAND of

27 CHOCTAW INDIANS,

28 JOANN "DOE" in her individual and professional capacity,

29 CHRIS "DOE" in his individual and professional capacity,

30 JOHN DOE 1 in his individual and professional capacity,

31 JOHN DOE 2 in his individual and professional capacity,

32 *Defendants.*

33 _____/

34
35 **COMPLAINT AND JURY DEMAND ON ALL COUNTS APPLICABLE**

36 Plaintiffs incorporate by reference the attached exhibits with the same force and
37 effect as if herein set forth. Plaintiffs Howard Brown and Brandon Sibley, hereafter

known as Plaintiffs, seek redress for grievances against Defendants for Constitutional right violations which incorporate both criminal and civil penalties.

INTRODUCTION

This action arises out of the Defendants' conspiracy to deprive Plaintiffs of inherent, sacred and inviolable rights absent of due process. These rights include, but are not limited to, the exclusive enjoyment, use, and disposal of property exclusive to the Plaintiffs. This inherent and sacred right incorporates both personal autonomy and the freedom to exercise religious beliefs independently of anyone else.

This action arises out of the Defendants' conspiracy to deny equal enjoyment and access to places of public accommodation by color of state law, which is protected by Title II of the Civil Rights Act of 1964.

The causes of action brought are (1) Violation of 42 U.S.C. § 1983 (due process and equal protection clauses), (2) Violation of 42 U.S.C. § 1985, (3) common law conspiracy, (4) Violation of 42 U.S.C. §§ 2000(a), 2000 (a-1), 2000(a-2), and (5) negligent infliction of emotional stress.

Plaintiffs ask the Court to convene a federal grand jury to investigate the allegations set forth herein for what Plaintiffs believe to be violations of federal law by all Defendants, incorporating title 18 U.S.C. § 241 and 18 U.S.C § 242. Proximate result by state action depriving Plaintiffs of constitutionally protected rights and the concerted

1 effort on the part of Defendants to violate Plaintiffs' constitutionally protected rights,
2 absent of due process.

3 **JURISDICTION**

4 Pursuant to 28 U.S.C §§ 1331,1343(a), and 1367(a) this Court has subject matter
5 jurisdiction over Plaintiffs' claims.

6 Pursuant to 28 U.S.C. §§ 2201 and 2202 this Court has subject matter jurisdiction
7 over Plaintiffs' request for declaratory relief.

8 Pursuant to title 28 U.S.C. §1391 (b), venue is proper in the Southern District of
9 Mississippi Northern Division because all claims arise out of Neshoba County.

10 Pursuant to title 18 U.S.C. § 1151 and 1152, non – tribe members are within the
11 sole and exclusive jurisdiction of the United States while in Indian Country.

12 Pursuant to title 42 U.S.C. § 1983 (civil action for deprivation of rights), § 1985
13 (conspiracy to interfere with civil rights), and § 1988 (proceedings in vindication of civil
14 rights) this Court has subject matter jurisdiction.

15 Pursuant to Title II of the Civil Rights act of 1964, and Title 42 U.S.C. § 2000
16 (denial of service at places of public accommodation) this Court has subject matter
17 jurisdiction.

1 Pursuant to title 18 U.S.C. §§ 241 and 242 this Court has subject matter
2 jurisdiction.

3 Plaintiffs do not have adequate remedy at law for the loss of constitutionally
4 protected rights in a Tribal Court, as the Tribal Court cannot obtain either In Personam
5 or Subject Matter jurisdiction in this matter.

6
7 **PARTIES**

8 At all times material to this lawsuit, Howard Brown resided in Baton Rouge,
9 Louisiana.

10 At all times material to this lawsuit, Brandon Sibley resided in Livingston Parish,
11 Louisiana.

12 At all times material to this lawsuit, CHOCTAW RESORT DEVELOPMENT ENTERPRISE
13 principal place of business is located at 13550 Hwy 16 W Choctaw, MS, 39350.

14 At all times material to this lawsuit, MISSISSIPPI BAND of CHOCTAW INDIANS
15 principal place of business is located at 101 Industrial Road, Choctaw, MS 39350.

16 Defendant MISSISSIPPI BAND of CHOCTAW INDIANS is a “body politic and corporate
17 located within the geographical lands of Mississippi.” The Jurisdiction of this body politic
18 is found within their constitution and by-laws and is recorded as Article II, it states, -

1 “The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands now
2 held or which may hereafter be acquired by or for or which may be used under proper
3 authority by the Mississippi Band of Choctaw Indians, and to all persons who are now or
4 may hereafter become members of the Mississippi Band of Choctaw Indians.”

5 At all times material to this lawsuit, Chief Cyrus Ben, being a natural person, was the
6 individual acting in the Office of Chief for the MISSISSIPPI BAND of CHOCTAW INDIANS.

7 At all times material to this lawsuit, William Sonny Johnson, being a natural person,
8 was the chief executive officer for CHOCTAW RESORT DEVELOPMENT ENTERPRISE.

9 At all times material to this lawsuit the security officers and armed man, who are
10 natural persons, acted in conspiracy for and created by Cyrus Ben, and were employed
11 by the CHOCTAW RESORT DEVELOPMENT ENTERPRISE.

12 All acts necessary or precedent to the bringing of this lawsuit occurred or accrued in
13 Neshoba County, Mississippi.

14 **PRELIMINARY STATEMENT**

15 Plaintiffs Howard Brown and Brandon Sibley allege that the Defendants through
16 negligence, ignorance, wanton disregard, or a combination of all three, worked together
17 to chill and deter the substantive rights of the Plaintiffs through arbitrary and capricious
18 means. Defendants relied upon guidance issued from agencies such as the CDC, CMS,
19 and departments of health to justify the chilling and deterring of the Plaintiffs’ rights. At

1 no time, did the advice or suggestions of these agencies have the authority of law or to
2 supersede the Constitution of the United States or Federal Law.

3 Chief Cyrus Ben, in a wanton disregard for the rule of law, acted on these
4 capricious and arbitrary recommendations, guidelines, and suggestions with his
5 enactment of Ordinance 2020-06-B. (Exhibit A)

6 In ordinance with 2020-06-B Cyrus Ben allowed for exemptions of two-year-old
7 children and no other exemptions, thereby chilling and deterring Plaintiffs' right for
8 self-determination. Chief Cyrus Ben created a workforce under his direction who acted
9 in concert with one another, believing that they had legal and lawful right to violate
10 Plaintiffs' substantive rights as secured by the United States Constitution and Federal
11 Law.

12 13 **FACTS**

14 Plaintiff Howard Brown on the 16th day of October 2021, had secured a hotel
15 reservation through David Malbrough, a former Golden Moon Hotel and Casino
16 employee.

17 Plaintiffs were scheduled to enjoy the local food, culture, and shops while staying
18 two nights at the Golden Moon Hotel and Casino.

1 On the 16th day of October 2021, Plaintiffs entered the lobby of Golden Moon Hotel
2 and Casino at Pearl River Resorts around the time of 4:30 pm, with a hotel reservation.

3 Plaintiffs entered the Golden Moon Hotel lobby with luggage and effects.

4 Plaintiffs walked past the masked security guard sitting near the front door.

5 Defendant held up a pink mask, as if, to offer it to plaintiffs.

6 Plaintiff Brown politely waived his hand in the direction of the Defendant and said,
7 "I'm exempt."

8 Plaintiff Sibley stated that, he was religiously exempt.

9 Immediately, a second masked Defendant brandishing a deadly weapon and
10 carrying a badge, hereinafter known as John Doe 1, deterred plaintiffs' movement
11 forward.

12 John Doe 1 knew or should've known that the deprivation of constitutionally
13 protected rights with intent and gross negligence was both criminal and breached his
14 duty and obligations as an officer of the law, and egregiously failed to protect Plaintiffs.

15 John Doe 1 told Plaintiffs that the only way they would be allowed to continue on
16 their way in this facility would be to put on a mask.

17 John Doe 1, brandishing a deadly weapon and badge, chilled, deterred, and arrested
18 the free movement of Plaintiffs by blocking access to the hotel lobby.

1 Plaintiff Brown stated that, he was both medically and religiously exempt from the
2 mask mandate.

3 Third Defendant, Chris Doe, immediately retorted, "Do you have proof of the
4 medical exemption?"

5 The violation of the right to privacy from unwarranted invasion by persons
6 adjudicating arbitrarily, capriciously, maliciously, and unreasonably is constituted as
7 irreparable harm and gross negligence.

8 Additional Defendants began to encircle the Plaintiffs. (Exhibit B).

9 Plaintiff Sibley politely stated, "I just need your policy, your actual policy that states
10 that everybody has to..."

11 Defendants initially told Plaintiffs that written policy would be supplied.

12 Defendant Joann Doe and Defendant John Doe 2 arrived at the scene.

13 Plaintiff Brown, noticing the defensive stance of the Defendants, felt is necessary to
14 state, "We're not forcing our way in; We're asking you for written policy."

15 Plaintiff Sibley stated, "Title 42 § 1983 says you cannot discriminate against anyone
16 on the grounds of race or religion. I am notifying you that I am religiously exempt,
17 because it's the spirit in."

18 Several Defendants' voices became elevated and agitated.

1 Defendant Joann Doe stated, "Well, you're not welcome to stay. ***with finger raised**
2 **and pointing at the door as she commanded***, you can leave now!"

3 Defendant John Doe 2 stated, "Do me a favor, just keep your so-called knowledge;
4 Get on out the door."

5 Several Defendants' language became threatening.

6 Plaintiff Sibley, at this time, felt it necessary to ask everyone to calm down and
7 simply state the authority the hotel had been granted in denying Plaintiffs access to the
8 public accommodation.

9 Plaintiffs were denied written mask policy and controlling authority that granted
10 employees of the Golden Moon Hotel and Casino the authority to deny due process of
11 law and proceeded to arbitrarily, capriciously, and unreasonably both trespass Plaintiffs
12 and deny Plaintiffs' rights as secured by the Constitution of the United States.

13 Defendants' justification for chilling and deterring Plaintiffs' equal access,
14 enjoyment, and use of the Golden Moon Hotel and Casino was as stated, "that the Hotel
15 was on sovereign tribal land and that access could be denied."

16 Plaintiff Brown stated, "Just so ya'll know, what you did here today violated rights
17 and federal law."

1 Defendant John Doe 2 (**talking to Defendant Joann Doe points at Plaintiff Brown's**
2 **camera**) stated," Because he's recording us without us even knowing."

3 Defendant Joann Doe retorted, "Right."

4 Defendant John Doe 2 stated, "And you can't do that."

5 Plaintiff Sibley replies, "Yeah, we can."

6 Defendant Joann Doe stated, "No you can't, this is within our property. You cannot
7 do that."

8 Plaintiff Sibley asks, "Are you open to the public?"

9 Defendant Joann Doe replies, "Yes, and we have the right to refuse service."

10 Plaintiff Sibley then stated, "Are you giving service? Right? Then you have to give
11 service to everyone. Can you deny on race, religion or....?"

12 Defendant John Doe 2 commands the camera to be turned off!

13 Plaintiffs complied with the command.

14 Plaintiffs were threatened with property confiscation by Defendants.

15 Plaintiffs were threatened with arrest by Defendants.

16 Plaintiff Brown informed all Defendants present that they were committing multiple
17 felonies at plaintiffs' expense.

1 Plaintiff Sibley asked defendants, if this was indeed a place of public
2 accommodation?

3 Defendant Joann Doe replied in the affirmative.

4 Plaintiff Sibley asked if, service was to be denied to Plaintiffs?

5 Defendant replied in the affirmative.

6 Upon exit of the facility Plaintiffs were followed to their automobile by Defendant.

7 Plaintiffs were followed by motor vehicle bearing Pearl River Resorts Security
8 markings until Plaintiffs had fully exited tribal land.

9 The Defendants' actions were a direct cause of the Plaintiffs' cancellation of their
10 vacation and activities.

11 Plaintiff Sibley on October 18, 2021 called the head of security to ask for the
12 employee's names involved in the incident.

13 Security supervisor stated, "Why don't y'all stay away from here," and then hung up
14 the phone.

15 The impact of chilling and deterring Plaintiffs' free exercise of constitutionally
16 protected rights at a place of public accommodation constitutes irreparable harm to the
17 Plaintiffs.

1 In the absence of due process of law, Defendants denied Plaintiffs their First
2 Amendment rights that prohibits government or State action interfering with or
3 attempting to regulate any citizen's religious beliefs, coercing a citizen to affirm beliefs
4 repugnant to his/her religion or conscience, and by directly penalizing or discriminating
5 against a citizen for holding beliefs contrary to those held by everyone else.

6 In absence of due process of law, Defendants arbitrarily, capriciously, and
7 unreasonably discriminated against the Plaintiffs due to their religious belief and class
8 status.

9 Plaintiffs do not have adequate remedy at law for the loss of constitutional rights in
10 a Tribal Court, as the Tribal Court cannot obtain In Personam jurisdiction or Subject
11 Matter jurisdiction in this matter.

12 **ORDINANCE 2020-06-B FAILS THE CONSTITUTIONAL SCRUTINY TEST**

13 **DECLARATORY JUDGEMENT AND FEDERAL QUESTION**

14 Plaintiffs reallege, restate, and incorporate by reference the allegations in the
15 foregoing jurisdictional and factual allegations.

16 The Executive Order by Cyrus Ben (Exhibit A) is unconstitutional on its face and as its
17 enactment by the employees and agents of Cyrus Ben constitute a violation of Plaintiffs'
18 inviolable, exclusive, inherent, and inalienable right to possess, enjoy, use, and dispose
19 of property, which includes but is not limited to, personal autonomy and freedom of

1 conscience. The order restricting these fundamental rights must be narrowly tailored to
2 a compelling state interest, as necessitated by the required strict scrutiny rule. State
3 sponsored restriction of fundamental rights must eliminate the evil to which it purports
4 to protect the public.

5 *“Coverings may be fashioned from scarves, bandanas, or other suitable*
6 *fabrics”, is language so ambiguous and vague that no reasonable man or woman*
7 *can derive from it a sense of medical safety.*

8 *The ordinance therefore does not “define” the area of illegal conduct with*
9 *sufficient specificity, so that men of common intelligence (need not) guess at its*
10 *meaning.” Hiatt v. United States, 415 F.2d 664, 670 (5th Cir. 1969)*

11
12 Directly or indirectly, all Defendants acted in a concerted conspiracy with the
13 unconstitutional ordinance from Chief Cyrus Ben and ultimately discriminated against
14 Plaintiffs.

15 The Mississippi Band of Choctaw Indians derive their authority as delegated from
16 the United States Congress and, as such, are incorporated under the Constitution of the
17 United States.

18 **1ST Federal Question:** When a political subdivision, Mississippi Band of Choctaw
19 Indians, created by Congress chill, deter, and deprive constitutionally secured
20 substantive rights of non-tribe members by ordinance, do the Plaintiffs lose their
21 Constitutionally secured substantive rights? Plaintiffs contend, no.

22 Therefore, the Plaintiffs are entitled to injunctive relief to enjoin Defendants from
23 enforcing un-constitutional actions against the Plaintiffs or anyone else.

1 **2nd Federal Question:** Can the advice, guidelines, recommendations, and
2 encouragement from corporate, federal, and state agencies, such as the CDC and the
3 Mississippi State Health Department supersede the United States Constitution which
4 incorporates substantive and procedural due process? Plaintiffs contend, no.
5 Therefore, the Plaintiffs are entitled to injunctive relief against Defendants to enjoin
6 them from enforcing un-constitutional actions against the Plaintiffs or anyone else.

7 **3rd Federal Question:** Does the Mississippi Band of Choctaw Indians charter, body
8 politic, and organization under the United States Constitution allow the Mississippi
9 Band of Choctaw Indians to declare edicts, ordinances, or rules that violate Plaintiffs'
10 substantive and procedural rights as secured by the United States Constitution and
11 Federal law? Plaintiffs contend, no.
12 Therefore, the Plaintiffs are entitled to injunctive relief to enjoin Defendants from
13 enforcing un-constitutional actions against the Plaintiffs or anyone else.

14 **4th Federal Question:** Must the Plaintiffs comply with edicts, ordinances, or
15 suggestions that violate constitutionally secured rights absent of due process? Plaintiffs
16 contend, no.
17 Therefore, the Plaintiffs are entitled to injunctive relief to enjoin Defendants from
18 enforcing un-constitutional actions against the Plaintiffs or anyone else.

19 **5th Federal Question:** Does sovereign immunity exist to create a class based,
20 invidiously, and discriminatory animus superiority where a group of individuals, such as

1 the Mississippi Band of Choctaw Indians, can openly violate and deprive Plaintiffs of
2 their constitutionally protected rights? Plaintiffs contend, no.

3 Therefore, the Plaintiffs are entitled to injunctive relief to enjoin Defendants from
4 enforcing un-constitutional actions against the Plaintiffs or anyone else.

5 WHEREFORE plaintiffs demand judgement for declaratory and injunctive relief against
6 MISSISSIPPI BAND of CHOCTAW INDIANS and their corporate subdivisions, together with
7 such other relief as the Court may deem reasonable and just under the circumstances

8 **COUNT 1: VIOLATION OF 42 U.S.C. § 1983**

9 **(DUE PROCESS AND EQUAL PROTECTION CLAUSES)**

10 Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
11 jurisdictional and factual allegations.

12 At all times relevant herein, Plaintiffs had a right under due process and equal
13 protection clauses of the state and federal constitutions not to be deprived of their
14 constitutionally protected interest in property and exercise of religious liberty. ***U.S.C.***
15 ***Const. Amend. 14; M.G.L. Const. Pt. 1, Art.10.***

16 At all relevant times herein, the defendants were state actors, and their conduct
17 was subject to 42 U.S.C. §§ 1983, 1985, and 1988.

18 ***“Private persons, jointly engaged with state officials in the challenged action, are***
19 ***acting ‘under color’ of law for purposes of Section 1983 actions.” Dennis v. Sparks.***
20 ***449 U.S. 24, 27-28 (1980)***

1 Acting under the color of law, Ordinance 2020-06-B, Defendants worked in concert
2 to deny Plaintiffs' rights, privileges, or immunities secured by federal law and
3 guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the
4 United States.

5 As a direct result of Defendants concerted, unlawful, and malicious conduct
6 Plaintiffs were deprived of their rights to equal protection under the law, due process of
7 law, their inviolable right to personal autonomy, right to property, and the due course of
8 justice was impeded in violation of the Fourth, Fifth, and Fourteenth Amendments to
9 the Constitution of the United States and title 42 U.S.C. § 1983.

10 Defendant MISSISSIPPI BAND OF CHOCTAW INDIANS, PEARL RIVER RESORTS, and
11 any subsidiaries thereof are responsible for establishing policy, procedure, and customs
12 complained about herein.

13 Defendants Cyrus Ben, MISSISSIPPI BAND OF CHOCTAW INDIANS, PEARL RIVER
14 RESORTS, and/or any subsidiaries thereof, had an obligation and duty to Plaintiffs to
15 properly train and supervise all employees, officers, or contractors under their purview
16 about discriminatory practices that are unlawful.

17 These actions and omissions by the Defendants MISSISSIPPI BAND OF CHOCTAW
18 INDIANS and PEARL RIVER RESORTS, through their various agencies and policy making
19 officials, demonstrates a callous indifference to the rights of the Plaintiffs and other

1 individuals who have been harmed by these 'policies;' and such consequence is
2 reasonably foreseeable by the Defendants MISSISSIPPI BAND OF CHOCTAW INDIANS
3 and PEARL RIVER RESORTS. Such failure to train, supervise, and later to investigate and
4 discipline the agents involved reflects a deliberate and conscious indifference to the
5 rights of others by the Defendants.

6 Defendants knew or should've known their duty and obligations as reasonable
7 men, and to know the consequences of depriving Plaintiffs of Constitutionally secured
8 rights when in breach of that duty.

9 Defendants directly or indirectly worked in concert to deprive inherent
10 constitutionally protected rights, which has been emotionally traumatizing to mind,
11 body, and soul of the Plaintiffs.

12 The rule is well settled, however, that if the natural consequences of the wrongful
13 act done willfully or with gross negligence, is mental suffering to the plaintiff, then that
14 element may be considered in assessing the damages.

15 WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
16 all Defendants jointly and severally for actual, general, special, and compensatory
17 damages in the amount of \$500,000.00 and further demand judgement against all
18 defendants jointly and severally for punitive damages in an amount to be determined by

1 the jury, plus the cost of this action, including attorney's fees, and such other relief
2 deemed to be just, fair, and appropriate.

3 **COUNT 2: VIOLATION OF 42 U.S.C. §1985**

4 Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
5 jurisdictional, and factual allegations.

6 The conspiratorial purpose was based on the "Sovereign State" of the Mississippi
7 Band of Choctaw Indians having the authority to deny service and to deprive Plaintiffs
8 equal enjoyment, use, and access to a place of public accommodation.

9 Joann Doe stated "that the signs posted inside the facility was the law and that this
10 was Sovereign property."

11 John Doe 2 states "We don't have to give you anything, it states right there, the
12 sign, that's good enough, you can't abide by that, this is Tribal Law. We have a policy
13 within the tribe, the tribe owns this land, the state does not, which part of that don't
14 you understand?"

15 Defendants who were defined as "Sovereign" by John Doe 2 and Joann Doe, did not
16 need any lawful reason to deny service to transient guests seeking lodging for the
17 weekend.

18 Defendants knew or should've known that the constitution and laws of the United
19 States is the controlling authority, as outlined in the Mississippi Band of Choctaw Indians

1 constitution and bylaws. Specifically Article VIII, Powers and Duties of the Tribal Council,
2 Sec. 1. The legislative power of the Mississippi Band of Choctaw Indians is vested in the
3 tribal council and shall be exercised in accordance with this constitution and bylaws and
4 that the Constitution and Laws of the United States are applicable to Indian Tribes.

5 Plaintiffs, as non-tribe members, at a place of commerce incorporating hotels,
6 restaurants, and entertainment were denied service at a place of public accommodation
7 as enumerated in Title II of the Civil Rights Act of 1964.

8 Defendants recklessly and callously imposed upon Plaintiffs that their sovereign
9 class of individuals held rights above that of the Plaintiffs’.

10 As a result, the Defendants acting in concert conspired to deprive the Plaintiffs of
11 the equal protection, equal privileges, and immunities as guaranteed by the constitution
12 and laws of the United States and the State of Mississippi.

13 Defendants negligently and egregiously denied Plaintiffs their constitutionally
14 protected rights of property and freedom of conscience.

15 ***Statements by some courts indicate constitutional protection for rights termed***
16 ***"natural," in addition to rights protected under the specific guarantee***
17 ***safeguarding a person in life, liberty, or pursuit of happiness, such as a natural***
18 ***right of personal autonomy. Am. Jur. Const. 2d Law §403***
19

20 Plaintiffs asked Defendants to provide the authority, policy, or law which granted
21 the employees of the Golden Moon Hotel and Casino the authority to recklessly and

1 callously deny Plaintiffs' constitutionally protected rights and violate the laws of the
2 United States.

3 The Sovereign status of the employees working for the Golden Moon Hotel and
4 Casino, operating in commerce per se, directly and indirectly conspired to deprive
5 Plaintiffs the equal enjoyment, access, and use of a public accommodation, as protected
6 in title II of the Civil Rights Act of 1964 (title 42 U.S.C. §2000).

7 John Doe 2 threatening Plaintiffs with arrest and confiscation of Plaintiff Brown's
8 property (recording device), are two of the overt acts in furtherance of the conspiracy.

9 Exhibit (B) will demonstrate that the stance of the employees working for the
10 Golden Moon Hotel and Casino were armed, disguised, and in defense positions barring
11 entry into the proclaimed Sovereign premises.

12 The discriminatory animus was that the employees working for the Golden Moon
13 Hotel and Casino were a Sovereign class and the Plaintiffs were not, creating a class-
14 based, invidiously, and discriminatory animus thereby depriving Plaintiffs of
15 constitutionally protected rights.

16 ***To state a claim under § 1985(3) a plaintiff must allege the existence of (1) a***
17 ***conspiracy, (2) a conspiratorial purpose to deprive a person or class of persons,***
18 ***directly or indirectly, of the equal protection of the laws or of equal privileges and***
19 ***immunities under the laws, (3) an overt act in furtherance of the conspiracy, and***
20 ***(4) either (a) an injury to person or property, or (b) a deprivation of a***
21 ***constitutionally protected right or privilege. See Griffin v. Breckenridge, 403 U.S.***
22 ***88, 102, 91 S.Ct. 1790, 1798, 29 L.Ed.2d 338 (1971)***

1
2 WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
3 all Defendants jointly and severally for actual, general, special, and compensatory
4 damages in the amount of \$500,000.00 and further demand judgement against all
5 defendants jointly and severally for punitive damages in an amount to be determined by
6 the jury, plus the cost of this action, including attorney's fees, and such other relief
7 deemed to be just, fair, and appropriate.

8 **COUNT 3: COMMON LAW CONSPIRACY**

9 Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
10 jurisdictional and factual allegations.

11 All defendants had (1) a task to be accomplished; (2) an agreement on the object or
12 course of action, to wit, to deprive Plaintiffs of their right to equal protection of the
13 laws, specifically the right to access places of public accommodation absent of
14 discrimination; (3) performed one or more unlawful overt acts; and (4) caused Plaintiffs
15 damages that were a direct result of those acts.

16 Defendants threatened arrest of the Plaintiffs and confiscation of their tangible
17 property (Plaintiff Brown's Camera) absent of criminal activity or due process.

18 All Defendants directly or indirectly protected, insulated, and authorized agents to
19 act in wanton disregard to the constitutionally protected rights of the Plaintiffs thereby

1 creating a workplace environment at the Golden Moon Casino and Hotel that recklessly
2 and callously deprived Plaintiffs of their rights.

3 WHEREFORE, Plaintiffs demand judgement for the violation of their civil rights against
4 all Defendants jointly and severally for actual, general, special, and compensatory
5 damages in the amount of \$500,000.00 and further demand judgement against all
6 defendants jointly and severally for punitive damages in an amount to be determined by
7 the jury, plus the cost of this action, including attorney's fees, and such other relief
8 deemed to be just, fair, and appropriate.

9
10 **COUNT 4: DENIAL OF SERVICE AT A PLACE OF PUBLIC ACCOMMODATION**

11 Plaintiffs reallege, restate, and incorporate by reference the allegations in the foregoing
12 jurisdictional and factual allegations.

13 All persons shall be entitled to the full and equal enjoyment of the goods, services,
14 facilities, privileges, advantages, and accommodations of any place of public
15 accommodation without discrimination or segregation on the grounds of race, color,
16 religion, or national origin.

17 Plaintiffs Brown and Sibley are Caucasian men of national origin, and were
18 arbitrarily, capriciously, and unreasonably denied service at a place of public
19 accommodation by "Sovereigns on Tribal Land" at the Golden Moon Hotel and Casino, a

1 hotel with 600 rooms, multiple restaurants, and operating as a place of entertainment
2 as defined in Title II of the Civil Rights Act of 1964, which affects commerce per se.

3 Plaintiffs were deprived of the equal access to the public accommodation without
4 effort to accommodate their sincerely held religious beliefs.

5 Plaintiffs were classified as a lower class of citizens than that of the tribe members
6 by Defendants and as a result were deprived of the equal access, enjoyment, and use of
7 a public accommodation.

8 WHEREFORE plaintiffs demand judgement for declaratory and injunctive relief against
9 MISSISSIPPI BAND of CHOCTAW INDIANS and their subdivisions, together with such
10 other relief as the Court may deem reasonable and just under the circumstances.

11 **COUNT 5: NEGLIGENT INFLICTION OF EMOTIONAL STRESS**

12 Defendants knew or should have known as reasonable men and women, the duties
13 we each have towards one another as members of society with different beliefs,
14 customs, usages, and practices.

15 Defendants breached their duty as reasonable men and women by recklessly and
16 callously identifying themselves as superior people in a Sovereign class, above the law of
17 the United States, thereby inflicting emotional distress, mental anxiety, and causing
18 physical symptomatology.

1 Plaintiffs have had to digest a lifetime's worth of legal knowledge which have
2 resulted in increased expenses that were not scheduled, sleep loss, weight loss, and
3 other physical symptomatology due to the mental and emotional distress caused by
4 Defendants' negligent actions.

5 Plaintiffs were humiliated, shamed, scoffed, threatened, coerced, and ultimately
6 denied service by Defendants in breach of their duty to their fellow man.

7 WHEREFORE, Plaintiff demands judgement, including interest, against Defendants in an
8 amount deemed by this Court to be just and fair and in any other way in which the
9 Court deems appropriate.

10
11 **REQUEST FOR RELIEF**

12 WHEREFORE, Brandon Sibley and Howard Brown seek redress for grievances in which
13 this Court can grant relief:

14 Assume Jurisdiction over this action.

15 Enter a judgement and decree declaring that the Executive Order 2020-06-B by
16 Chief Cyrus Ben fails the constitutional scrutiny test for ambiguity and vagueness and is
17 unconstitutional on its face because it deprives the Plaintiffs the right of due process,

1 freedom of conscience, and property rights as guaranteed to by the United States
2 Constitution and both state and federal law.

3 Enter a preliminary injunction enjoining defendants, their agents, officials,
4 servants, employees, and all persons in active concert or participation with them from
5 applying Executive Order 2020-06-B, so as to prevent the violation of constitutionally
6 protected rights without due process of law.

7 Award Plaintiffs costs for litigation, including reasonable attorney's fees and
8 expenses, pursuant to Title 42 § 2000(a)(3).

9 Plaintiff Sibley and Brown demand actual damages in the amount of \$369.00 per
10 minute from Chris Doe, Joann Doe, John Doe 1, and John Doe 2 each for time seized
11 from Plaintiffs during the violation of Plaintiffs' constitutionally protected rights. Jury
12 shall determine actual time.

13 Plaintiffs demand remuneration for actual damages in the amount of 53,032.00
14 dollars for time spent learning how to plead a case, travel, relocation of vacation, and
15 subscription fees for Westlaw, Fast Case, and paralegal training course Jurisdictionary.

- | | | |
|----|---|-------------|
| 16 | a. \$125.00 hourly rate each @ 200 hours is | \$50,000.00 |
| 17 | b. Relocation of vacation | \$1,000.00 |
| 18 | c. Westlaw subscription is \$297 monthly | \$1,782.00 |
| 19 | d. Jurisdictionary course | \$250.00 |

1 Plaintiff Sibley and Plaintiff Brown demand punitive damages in the amount of
2 \$3,300.00 from Defendants Chris Doe, Joann Doe, John Doe 1, and John Doe 2 each for
3 the mental and emotional stress caused to Plaintiffs.

4 Plaintiffs demand punitive damages from Defendant MISSISSIPPI BAND of
5 CHOCTAW INDIANS and its subsidiaries CHOCTAW RESORT DEVELOPMENT, PEARL RIVER
6 RESORTS, and GOLDEN MOON HOTEL and CASINO in the amount of \$7,500,000.00 for
7 the arbitrary, capricious, and unreasonable deprivation of rights guaranteed and
8 secured by the United States Constitution.

9 WHEREFORE plaintiffs demand judgement for actual and punitive damages against
10 MISSISSIPPI BAND of CHOCTAW INDIANS and their corporate subdivisions, together with
11 such other relief as the Court may deem reasonable and just under the circumstances.

12 Dated this _____ day of May, 2022

13 Respectfully submitted,

14
15 _____
16 Howard Brown, Plaintiff *Pro se*
17

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19 _____
20 Brandon Sibley, Plaintiff *Pro se*
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PARISH OF EAST BATON ROUGE

1. Our names are Howard G. Brown and Brandon A. Sibley, plaintiffs herein.

FURTHER THE AFFIANT SAYETH NAUGHT.

Howard Gary Brown, Affiant

Brandon A. Sibley. Affiant

SWORN TO and subscribed before me this 10th day of May 2022.

Notary Public

My commission expires: