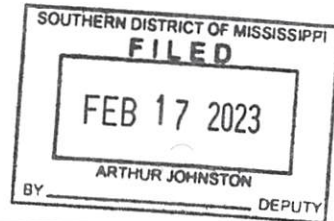


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**UNITED STATES DISTRICT COURT**

*for the*

**SOUTHERN DISTRICT OF MISSISSIPPI**

*(NORTHERN DIVISION)*

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Case No. 3:23-cv-127-DPJ-FKB

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**HOWARD BROWN & BRANDON SIBLEY**

**-- Plaintiffs --**

**-V.-**

**CHOCTAW RESORT DEVELOPMENT ENTERPRISE, ET AL.,**

**-- Defendants. --**

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

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Plaintiffs incorporate by reference the attached exhibits with the same force and 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.

## I. JUDICIAL NOTICE

Allegations made in a pro se complaint are held “to a less stringent standard than formal pleadings drafted by lawyers.” *Haines v. Kerner*, 404 U.S. 519, 520 (1972). To hold a pro se plaintiff to strict compliance “would be inequitable” as courts would punish a pro se plaintiff “for lacking the linguistic and analytical skills of a trained lawyer.” *Perez v. United States*, 312 F.3d 191, 194–95 (5th Cir. 2002). To avoid such a result, “courts have adopted the rule that a pro se plaintiff’s pleadings are liberally construed.” *Id.* Even though pleadings by a pro se litigant are held to a less stringent standard, courts must be able to draw the reasonable inference from the pleadings that the defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)).

Plaintiffs ask this Court to take judicial notice of the 944-million-dollars allocated by the Federal Government, via U.S. Taxpayers, as relief allocated to the Choctaw Nation, to address the negative economic and social impacts caused by COVID-19.(**Exhibit B**)<sup>1</sup>

Plaintiffs ask this Court to take judicial notice of the \$406,000.00 in lobbying expenditures made by the Mississippi Band of Choctaw Indians in the year 2021.(**Exhibit C**)<sup>2</sup>

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<sup>1</sup> <https://journalrecord.com/2021/05/25/choctaw-nation-receives-944m-in-federal-relief/> (Exhibit B)

<sup>2</sup> <https://www.opensecrets.org/federal-lobbying/clients/lobbyists?cycle=2021&id=D000023643> (Exhibit C)

Plaintiffs ask this Court to take judicial notice of the \$53 Million that the Tribe has received from the United States Federal Government \$1.9 Trillion federal American Rescue Act funds allocated by Congress in March 2022 to help local governments recover from COVID-19 pandemic.**(Exhibit D)**<sup>3</sup>

## II. INTRODUCTION

1. 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. These inherent and sacred rights, incorporate both personal autonomy and the freedom to exercise religious beliefs independently of anyone else.
2. This action arises out of a malicious and unreasonable violation of the *Indian Civil Rights Act, Title 25 § 1302*, which restricted the Plaintiffs religious beliefs, right to be free of warrantless search and seizures, and restricted our safety in persons and effects.
3. This action arises out of the Defendants' conspiracy to deny equal enjoyment and access to places of public accommodation by color of law, which is protected by *Title II of the Civil Rights Act of 1964*.
4. This action arises out of the unreasonable and irrational restriction of intrastate and interstate commerce that created an invidious and discriminatory animus against the Plaintiffs and those similarly situated.

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<sup>3</sup> <https://neshobademocrat.com/stories/tribe-receives-more-than-53m-in-covid-monies,51089> (Exhibit D)

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

6. Plaintiffs Howard Brown and Brandon Sibley allege that the Defendants through negligence, ignorance, wanton disregard, or a combination of all three, worked together to chill and deter the substantive rights of the Plaintiffs through arbitrary and capricious means.

7. Defendants relied upon guidance issued from agencies such as the CDC, CMS, and departments of health to justify the chilling and deterring of the Plaintiffs' rights. At no time, did the advice or suggestions of these agencies have the authority of law nor the authority to supersede the Constitution of the United States or Federal Law.

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

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

### **III. JURISDICTION**

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

11. Pursuant to **28 U.S.C. §§ 2201 and 2202** this Court has subject matter jurisdiction over Plaintiffs' request for declaratory relief.
12. Pursuant to title **28 U.S.C. §1391 (b)**, venue is proper in the Southern District of Mississippi-*Northern Division* because all claims arise out of Neshoba County.
13. Pursuant to title **42 U.S.C. § 1985** (conspiracy to interfere with civil rights), and **§ 1988** (proceedings in vindication of civil rights) this Court has subject matter jurisdiction.
14. Pursuant to *Title II of the Civil Rights act of 1964*, and Title **42 U.S.C. § 2000** (denial of service at places of public accommodation) this Court has subject matter jurisdiction.
15. Plaintiffs have exhausted tribal remedy, by contacting the Attorney General of the Mississippi Band of Choctaw Indians who denied the claims due to prescription of the statute of limitations. **(Exhibit A)** <sup>4</sup>

#### **IV. PARTIES**

16. At all times material to this lawsuit, Howard Brown resided in Baton Rouge, Louisiana.
17. At all times material to this lawsuit, Brandon Sibley resided in Livingston Parish, Louisiana.
18. At all times material to this lawsuit, CHOCTAW RESORT DEVELOPMENT ENTERPRISE principal place of business is located at 13550 Hwy 16 W Choctaw, MS, 39350.
19. At all times material to this lawsuit, MISSISSIPPI BAND of CHOCTAW INDIANS principal place of business is located at 101 Industrial Road, Choctaw, MS 39350.

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<sup>4</sup> Attorney General letter (Exhibit A)

20. Defendant MISSISSIPPI BAND of CHOCTAW INDIANS is a “body politic and corporate located within the geographical lands of Mississippi.” The Jurisdiction of this body politic is found within their constitution and by-laws and is recorded as Article II, it states, - “The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands now held or which may hereafter be acquired by or for or which may be used under proper authority by the Mississippi Band of Choctaw Indians, and to all persons who are now or may hereafter become members of the Mississippi Band of Choctaw Indians.”

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

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

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

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

## V. FACTS

25. Plaintiffs Howard Brown and Brandon Sibley on the 16<sup>th</sup> day of October 2021, entered the lobby of the Golden Moon Hotel and Casino.

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

27. On the 16<sup>th</sup> day of October 2021, Plaintiffs entered the lobby of Golden Moon Hotel and Casino at Pearl River Resorts around the time of 4:30 pm.
28. Plaintiffs entered the Golden Moon Hotel lobby with luggage and effects.
29. Plaintiffs walked past the masked security guard sitting near the front door.
30. Defendant held up a pink mask, as if, to offer it to plaintiffs.
31. Plaintiff Brown politely waived his hand in the direction of the Defendant and said, "I'm exempt."
32. Plaintiff Sibley stated that, he was religiously exempt.
33. Immediately, a second masked Defendant brandishing a deadly weapon and carrying a badge, hereinafter known as John Doe 1, deterred plaintiffs' movement forward.
34. John Doe 1 knew or should've known that the deprivation of constitutionally protected rights with intent and gross negligence was both criminal and breached his duty and obligations as an officer of the law, and egregiously failed to protect Plaintiffs.
35. John Doe 1 told Plaintiffs that the only way they would be allowed to continue on their way in this facility would be to put on a mask.
36. John Doe 1, brandishing a deadly weapon and badge, chilled, deterred, and arrested the free movement of Plaintiffs by blocking access to the hotel lobby.
37. Plaintiff Brown stated that, he was both medically and religiously exempt from the mask mandate.
38. Third Defendant, Chris Doe, immediately retorted, "Do you have proof of the medical exemption?"



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

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

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

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

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

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

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

46. Several Defendants' voices became elevated and agitated.

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

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

49. Several Defendants' language became threatening.

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

51. Plaintiffs were denied written mask policy and controlling authority that granted employees of the Golden Moon Hotel and Casino the authority to deny due process of law and proceeded to arbitrarily, capriciously, and unreasonably both trespass Plaintiffs and deny Plaintiffs' rights as secured by the Constitution of the United States.
52. Defendants' justification for chilling and deterring Plaintiffs' equal access, enjoyment, and use of the Golden Moon Hotel and Casino was as stated, "that the Hotel was on sovereign tribal land and that access could be denied."
53. Plaintiff Brown stated, "Just so ya'll know, what you did here today violated rights and federal law."
54. Defendant John Doe 2 (**talking to Defendant Joann Doe points at Plaintiff Brown's camera**) stated, "Because he's recording us without us even knowing."
55. Defendant Joann Doe retorted, "Right."
56. Defendant John Doe 2 stated, "And you can't do that."
57. Plaintiff Sibley replies, "Yeah, we can."
58. Defendant Joann Doe stated, "No you can't, this is within our property. You cannot do that."
59. Plaintiff Sibley asks, "Are you open to the public?"
60. Defendant Joann Doe replies, "Yes, and we have the right to refuse service."
61. Plaintiff Sibley then stated, "Are you giving service? Right? Then you have to give service to everyone. Can you deny on race, religion or....?"
62. Defendant John Doe 2 commands the camera to be turned off!
63. Plaintiffs complied with the command.
64. Plaintiffs were threatened with property confiscation by Defendants.

65. Plaintiffs were threatened with arrest by Defendants.
66. Plaintiff Brown informed all Defendants present that they were committing multiple felonies at plaintiffs' expense.
67. Plaintiff Sibley asked defendants, if this was indeed a place of public accommodation?
68. Defendant Joann Doe replied in the affirmative.
69. Plaintiff Sibley asked if, service was to be denied to Plaintiffs?
70. Defendant replied in the affirmative.
71. Upon exit of the facility Plaintiffs were followed to their automobile by Defendant.
72. Plaintiffs were followed by motor vehicle bearing Pearl River Resorts Security markings until Plaintiffs had fully exited tribal land.
73. The Defendants' actions were a direct cause of the Plaintiffs' cancellation of their vacation and activities.
74. Plaintiff Sibley on October 18, 2021 called the head of security to ask for the employee's names involved in the incident.
75. Security supervisor stated, "Why don't y'all stay away from here," and then hung up the phone.
76. The impact of chilling and deterring Plaintiffs' free exercise of constitutionally protected rights at a place of public accommodation constitutes irreparable harm to the Plaintiffs.
77. In the absence of due process of law, Defendants denied Plaintiffs their First Amendment rights that prohibits government or State action interfering with or attempting to regulate any citizen's religious beliefs, coercing a citizen to affirm beliefs repugnant to his/her religion or conscience, and by directly penalizing or discriminating against a citizen for holding beliefs contrary to those held by everyone else.

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

79. Plaintiffs allege that the 4<sup>th</sup> amendment seems indispensable to the full enjoyment of the rights of personal security, personal liberty, and private property. It is little more than the affirmance of a great constitutional doctrine of the common law

**VI. ORDINANCE 2020-06-B FAILS THE CONSTITUTIONAL  
SCRUTINY TEST  
DECLARATORY JUDGEMENT AND FEDERAL QUESTION**

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

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

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

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

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

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

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

85. **1<sup>ST</sup> Federal Question:** When a political subdivision created by Congress, such as, Mississippi Band of Choctaw Indians chill, deter, and deprive constitutionally secured substantive rights of non-tribe members by ordinance, do the Plaintiffs lose their Constitutionally secured substantive rights? Plaintiffs contend, no.

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

86. **2<sup>nd</sup> Federal Question:** Can the advice, guidelines, recommendations, and encouragement (supported by money) from corporate, federal, and state agencies, such as, the CDC and the Mississippi State Health Department supersede the United States Constitution which incorporates substantive and procedural due process? Plaintiffs contend, no.

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

87. **3<sup>rd</sup> Federal Question:** When a “sovereign” entity, such as the MBCI, follows Federal agency guidelines, recommendations, suggestions, or advice; Is the MBCI, or its officials, operating in a Sovereign Capacity? Plaintiffs contend, no.

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

88. **4<sup>th</sup> Federal Question:** Is the public health of individual non-tribe members under the control and Jurisdiction of Indian affairs or their executive orders? Plaintiff contends, no.

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

89. **5<sup>th</sup> Federal Question:** When “Sovereign” entities, such as MBCI, lobby for and accept federal monies; Are the entities required to follow federal law in matters of discrimination?

Plaintiffs contend, yes.

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

90. **6<sup>th</sup> Federal Question:** Does the Mississippi Band of Choctaw Indians charter, body politic, and organization under the United States Constitution allow the Mississippi Band of Choctaw Indians to declare edicts, ordinances, or rules that violate Plaintiffs’ substantive and procedural rights as secured by the United States Constitution and Federal law? Plaintiffs contend, no.

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

91. **7<sup>th</sup> Federal Question:** Must the Plaintiffs comply with edicts, ordinances, or suggestions that violate constitutionally secured rights absent of due process? Plaintiffs contend, no.

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

92. **8<sup>th</sup> Federal Question:** Does sovereign immunity exist to create a class based, invidiously, and discriminatory animus superiority where a group of individuals, such as the

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

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

**WHEREFORE** plaintiffs demand judgement against *Ordinance 2020-06-B* and grant the Plaintiffs relief against MISSISSIPPI BAND of CHOCTAW INDIANS and their corporate subdivisions, together with such other relief as the Court may deem reasonable and just under the circumstances

## **VII. VIOLATION OF 42 U.S.C. §1985**

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

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

95. Joann Doe stated “that the signs posted inside the facility was the law and that this was Sovereign property.”

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

97. Plaintiffs allege that Federal Law was violated, resulting in constitutional and civil rights violations, which by the *Federal Indian Gaming Act*, was supposed to be reported by the Commission to law enforcement officials. **25 U.S.C. § 2716**

98. Plaintiffs allege that signs and placards have been used before to justify irrational and unreasonable discrimination.

99. Defendants created an invidious class-based animus that pitted *masked vs. unmasked* individuals against each other, absent of any logical or reasonable explanation, legislative law, or known medical efficacy of the scarves, bandanas, neck gaiters, or other suitable fabrics.

100. Plaintiffs allege that a hypothetical rationale, even post hoc, cannot be fantasy, and concrete, factual, and objective evidence is necessary when government furthers a substantial interest that restricts the fundamental liberties, security, and property of Plaintiffs and those similarly situated.

101. Defendants who were defined as “Sovereign” by John Doe 2 and Joann Doe, did not need any lawful reason to deny service to transient guests seeking lodging for the weekend.<sup>5</sup>

102. Defendants knew or should’ve known that the Constitution and laws of the United States is the controlling authority, as outlined in the Mississippi Band of Choctaw Indians constitution and bylaws. Specifically, **Article VIII, Powers and Duties of the Tribal Council, Sec. 1**. The legislative power of the Mississippi Band of Choctaw Indians is vested in the tribal council and shall be exercised in accordance with this constitution and bylaws and that the Constitution and Laws of the United States are applicable to Indian Tribes.

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<sup>5</sup> Ute Indians at their Mountain Casino in Colorado used this exact same excuse to deny Plaintiff entry to their casino in August 2022 supported by video evidence filmed by Plaintiff Brown and is available upon request.



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

104. Defendants recklessly and callously imposed upon Plaintiffs that their sovereign class of individuals held rights above that of the Plaintiffs'.

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

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

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

107. Plaintiffs asked Defendants to provide the authority, policy, or law which granted the employees of the Golden Moon Hotel and Casino the authority to recklessly and callously deny Plaintiffs' constitutionally protected rights and violate the laws of the United States.

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

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

110. Exhibit (F) will demonstrate that the stance of the employees working for the Golden Moon Hotel and Casino were armed, disguised, and in defense positions barring entry into the proclaimed “Sovereign premises.”

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

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

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

### **VIII. COMMON LAW CONSPIRACY**

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

113. All defendants had (1) a task to be accomplished; (2) an agreement on the object or course of action, to wit, to deprive Plaintiffs of their right to equal protection of the laws,

specifically the right to access places of public accommodation absent of discrimination; (3) performed one or more unlawful overt acts; and (4) caused Plaintiffs damages that were a direct result of those acts.

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

115. All Defendants directly or indirectly protected, insulated, and authorized agents to act in wanton disregard to the constitutionally protected rights of the Plaintiffs thereby creating a workplace environment at the Golden Moon Casino and Hotel that recklessly and callously deprived Plaintiffs of their rights.

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

**IX. DENIAL OF SERVICE AT A PLACE OF PUBLIC ACCOMMODATION**

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

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

118. Plaintiffs Brown and Sibley are Caucasian men of national origin, and were arbitrarily, capriciously, and unreasonably denied service at a place of public accommodation by “Sovereigns on Tribal Land” at the Golden Moon Hotel and Casino; a hotel with 600 rooms, multiple restaurants, and operating as a place of entertainment as defined in *Title II of the Civil Rights Act of 1964*, which affects commerce *per se*.

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

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

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

#### **X. NEGLIGENT INFLICTION OF EMOTIONAL STRESS**

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

122. Defendants breached their duty as reasonable men and women by recklessly and callously identifying themselves as superior people in a Sovereign class, above the law of the

United States, thereby inflicting emotional distress, mental anxiety, and causing physical symptomatology.

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

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

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

## **XI. REQUEST FOR RELIEF**

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

Assume Jurisdiction over this action.

Enter a judgement and decree declaring that the **Executive Order 2020-06-B** by Chief Cyrus Ben fails the constitutional scrutiny test for ambiguity and vagueness and is unconstitutional on its face because it deprives the Plaintiffs the right of due process, freedom of conscience, and property rights as guaranteed to by the United States Constitution and both state and federal law.

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

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

Plaintiffs demand remuneration for actual damages in the amount of \$112,037.00 dollars for time spent learning how to plead a case, travel, relocation of vacation, and subscription fees for Westlaw, Fast Case, and paralegal training course Jurisdictionary.

- |   |              |
|---|--------------|
| a. \$250.00 hourly rate each @ 425 hours is | \$106,250.00 |
| b. Relocation of vacation                   | \$1,000.00   |
| c. Westlaw subscription is \$349 monthly    | \$4,537.00   |
| d. Jurisdictionary course                   | \$250.00     |

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

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

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

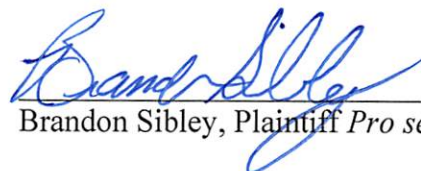
Dated this 15<sup>th</sup> day of February, 2023

Respectfully submitted,



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Howard Brown, Plaintiff *Pro se*



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Brandon Sibley, Plaintiff *Pro se*

**VERIFICATION OF COMPLAINT**

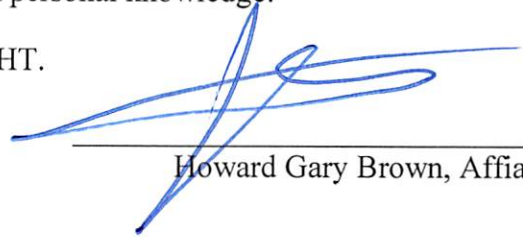
STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME personally appeared H. Gary Brown and Brandon A. Sibley who, being by me first duly sworn and identified in accordance with Louisiana law, deposes and says:

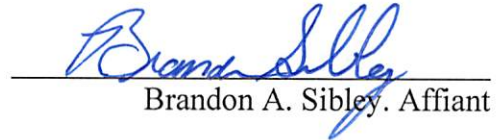
1. Our names are Howard G. Brown and Brandon A. Sibley, plaintiffs herein.
2. We have read, written, and understood the attached foregoing complaint filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.




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Howard Gary Brown, Affiant




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Brandon A. Sibley, Affiant

SWORN TO and subscribed before me this 15<sup>th</sup> day of February 2023.




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Notary Public

My commission expires:



**SAMANTHA L. BLOEMER**  
**NOTARY PUBLIC**  
 Notary ID #132940  
 State of Louisiana  
 My commission is for life.

