

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

BRITTANY BLACK, PRESTON OWENS,
and RACHEL WRIGHT, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

BO LUCKEY, in his official capacity as
Chief of the Capitol Police, a unit of the
Mississippi Department of Public Safety;
and SEAN TINDELL, in his official
capacity as Commissioner of the
Mississippi Department of Public Safety,

Defendants.

Case No. 3:26-cv-377-DPJ-MTP

Class Action

ORAL ARGUMENT REQUESTED

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Brittany Black, Preston Owens, and Rachel Wright (collectively, "Plaintiffs") respectfully move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction related to Claims One and Two of the Complaint. Plaintiffs are filing this Motion concurrently with the Complaint.

Plaintiffs are homeless individuals residing in the City of Jackson who hold signs on public streets and sidewalks soliciting charity to meet their basic needs. Through this motion, Plaintiffs seek a preliminary injunction enjoining Defendants Capitol Police Chief Bo Luckey and Mississippi Department of Public Safety Commissioner Sean Tindell (collectively, "Defendants") from enforcing the Safe Solicitation Act, *see* H.B. 1197 (Miss. 2025), codified at Miss. Code §§ 17-31-1 through 17-31-11 and amending Miss. Code §§ 97-35-25, 97-35-23, and 45-1-19. The Safe Solicitation Act makes it unlawful to solicit (1) "money or anything of value as a donation or

contribution” or (2) “any other thing of value in exchange for any goods, wares, merchandise or thing of value” without a solicitation permit. Miss. Code §§ 17-31-3(b), 5(1).

As detailed in Plaintiffs’ accompanying Memorandum, Plaintiffs are substantially likely to succeed on the merits of their First Amendment claim (Claim One) because the Safe Solicitation Act is a content-based restriction on their protected speech (charitable solicitation) in traditional public fora (public streets and sidewalks) that cannot survive strict scrutiny; the Act is a prior restraint on speech with inadequate procedural protections; and the Act is overbroad. Plaintiffs are also likely to succeed on the merits of their Fourteenth Amendment Due Process claim (Claim Two) because the Act fails to provide sufficient guidance to local governments to avoid arbitrary and discriminatory enforcement of the permitting scheme and is therefore void for vagueness.

If a preliminary injunction does not issue, Plaintiffs will continue to be deprived of their First and Fourteenth Amendment rights. The threatened injuries to Plaintiffs outweigh any harm a preliminary injunction may cause the Defendants, and the injunction would not be adverse to the public interest. Finally, Plaintiffs are indigent and unable to post a security bond under Federal Rule of Civil Procedure 65(c). To enable them to protect their constitutional rights, they request that this Court waive the bond requirement.

Plaintiffs respectfully request that the Court schedule oral argument on their motion for a preliminary injunction.

For the foregoing reasons, and as set forth in the accompanying Memorandum, this Motion for Preliminary Injunction should be granted.

In support of this Motion, Plaintiffs submit the exhibits listed below and an accompanying Memorandum of Law in support:

1. Exhibit A – Capitol Police Permit Application

2. Exhibit B – Capitol Police Permit
3. Exhibit C – Northside Sun Article (Capitol Police)
4. Exhibit D – Solicitation Citation General Affidavit
5. Exhibit E – May 2026 Permit Log
6. Exhibit F – Panhandling Calls and Dispatch List – July 2025 – Present
7. Exhibit G – Declaration of L.E. JiBol
8. Exhibit H – Declaration of Brittany Black
9. Exhibit I – Declaration of Preston Owens
10. Exhibit J – Declaration of Rachel Wright

Dated: May 27, 2026

Respectfully submitted,

/s/ Joshua Tom

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CERTIFICATE OF SERVICE

Undersigned counsel does hereby certify that on this date, a true and correct copy of the above and foregoing has been filed with the Clerk of the Court via the Court's electronic filing system, and notification of such filing was sent to all counsel of record via same. I hereby certify that I have sent the document to Lynn Fitch, Mississippi Attorney General, by process server at the Walter Sillers Building, 550 High Street, Jackson, MS 39201.

Dated: May 27, 2026

/s/ Joshua Tom
Joshua Tom