

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

<p>INCLUSIVE LOUISIANA; MOUNT TRIUMPH BAPTIST CHURCH; RISE ST. JAMES, by and through their members <i>Plaintiffs,</i></p> <p>vs.</p> <p>ST. JAMES PARISH; ST. JAMES PARISH COUNCIL; ST. JAMES PARISH PLANNING COMMISSION, <i>Defendants.</i></p>	<p>Civil Action No. 2:23-cv-00987 Section J Judge Carl Barbier Magistrate Judge Janis van Meerveld</p>
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**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR A TEMPORARY RESTRAINING ORDER**

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INTRODUCTION

On Wednesday, June 17, 2026, in the face of this Court’s prior ruling in this case, the St. James Parish Council passed Ordinance 26-08 (“the Ordinance”), which redesignates historically significant sites in Romeville in the Parish’s Fourth District from “Agricultural” to “Industrial.” The Parish’s action furthers the erasure of a community in Romeville formed by a remarkable group of freedpeople soon after Emancipation. Plaintiffs seek an order from this Court to prevent the Ordinance from going into effect or being implemented as it amounts to a violation of the Thirteenth Amendment of the U.S. Constitution, Article 12, Section 4 of the Louisiana Constitution, and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”).

This Court ruled just four months ago, on February 9, 2026, that Plaintiffs had plausibly claimed that St. James Parish had engaged in a pattern and practice of land use that “quite literally originated in slavery.” *Inclusive Louisiana v. St. James Par.*, No. CV 23-987, 2026 WL 352793, at *7 (E.D. La. Feb. 9, 2026). Despite this ruling, the Parish Council voted 4-3 to pass an ordinance that perpetuates the very same unlawful practice, and which further demonstrates the Parish government’s unrelenting effort to harm and erase historic Black descendant communities in the 4th and 5th districts of the Parish. The Ordinance would transform into an industrial sacrifice zone two historic cemeteries containing the remains of formerly-enslaved and freedpeople, and the estate of a formerly-enslaved woman that is still owned, against all odds, by her descendants 150 years later. For centuries, the land at issue has been used primarily for agricultural and residential purposes and, accordingly, the Parish’s 2014 Land Use Plan designated it as “Agricultural.” Now, the Parish Council has chosen to redesignate the land as “Industrial,” and thereby declare that these historic sites will be replaced by industry.

The Ordinance will also allow industry to completely encircle a historic Baptist church, Inclusive Louisiana's Community Hub, and the residential community of Romeville where Inclusive Louisiana co-founder Ms. Barbara Washington lives. These sites are already bordered by Nucor Steel on one side and OxyChem on the other.

The Ordinance is a clear and direct pronouncement from Plaintiffs' own Parish government that it does not value the Romeville community, and these sites of historic, religious, and cultural significance to Plaintiffs, to such an extent that it has designated them to be overtaken by industry. Were this Ordinance allowed to take effect or be implemented, it would result in irreparable stigmatic and constitutional harm to Plaintiffs, in addition to rendering them even more exposed and vulnerable to heavy industrial pollution, which is already so pervasive and pronounced that it places them in the highest risk categories in the country for cancer and other illnesses.

This motion simply requests the preservation of what has been the status quo for over 150 years, and the protection of sites that are of deep cultural, religious, and historic significance to Plaintiffs and to the Black community in Romeville, as required by federal and state constitutions. To maintain this status quo, and to prevent the irreparable constitutional and stigmatic harm that would result from the government's decision to destroy sites of profound cultural and historic significance and further the erasure of this historic community, Plaintiffs ask the Court to issue a Temporary Restraining Order (TRO) enjoining the Parish from taking any further action to implement and/or give effect to its recently-passed Ordinance No. 26-08, and enjoining any efforts which seek to redesignate land in Romeville from "Agricultural" to "Industrial."

PROCEDURAL BACKGROUND

Plaintiffs commenced this lawsuit on March 21, 2023, challenging St. James Parish’s discriminatory pattern and practice of steering harmful industry into the majority-Black parts of the Parish. Dkt. No. 1. Plaintiffs asserted that this discriminatory land use system has its roots in slavery and its afterlife, and that it has violated Plaintiffs’ right to equal protection, bodily integrity, property, religious liberty, and historic and cultural preservation in violation of the Thirteenth Amendment, Fourteenth Amendment, 42 U.S.C. § 1982, RLUIPA, and Article XII Section 4 of the Louisiana Constitution. *Id.*

On November 16, 2023, this Court dismissed the lawsuit on statute of limitations and standing grounds. Plaintiffs appealed, and on April 9, 2025, the Fifth Circuit Court of Appeals reversed on all grounds and remanded. *Inclusive Louisiana v. St. James Parish*, 134 F.4th 297 (5th Cir. 2025). The Fifth Circuit ruled that none of Plaintiffs’ claims were time-barred (*id.* at 308), that Plaintiffs had sufficiently alleged standing, including because of harm to their property (*id.* at 310), religious, cultural, and aesthetic injury (*id.*), and stigmatic harm to them from this discriminatory and debasing treatment (*id.* at 312).

Plaintiffs moved to file a Second Amended Complaint on July 1, 2025 to include allegations of Parish actions after the filing of the First Amended Complaint that furthered its ongoing racially discriminatory practices, dkt. No. 103, which this Court granted on November 4, 2025. Dkt. No. 104.

On November 18, 2025, the Parish re-submitted its Motion to Dismiss as to unaddressed substantive arguments from its first Motion to Dismiss. Dkt. No. 97. On February 9, 2026, this Court denied the motion finding that Plaintiffs’ substantial allegations plausibly supported all the asserted claims for relief. *Inclusive Louisiana*, 2026 WL 352793, at *1.

On June 17, 2026, only four months after this Court ruled that Plaintiffs had plausibly shown St. James' actions were unlawful, the Parish Council nevertheless forged ahead to continue their unlawful action by voting to pass the Ordinance that would redesignate land in the 4th District in the historic majority-Black neighborhood of Romeville from "Agricultural" to "Industrial." Plaintiffs now seek a TRO enjoining this unlawful act.

FACTUAL BACKGROUND

A. The Ordinance

On May 18, 2026, the St. James Parish Planning Commission recommended an ordinance that would redesignate land in Romeville, which is 75% Black,¹ from Agricultural to Industrial. See Preamble of Ordinance attached to Declaration of Astha Sharma Pokharel, annexed hereto (hereinafter "Sharma Pokharel Decl."), Ex. 1. On May 20, 2026, the Parish Council unanimously voted to introduce the proposed Ordinance 26-08 and set it for public hearings on June 3, 2026 and June 17, 2026. *Id.* The proposed Ordinance included the following map, *id.*, with the green line denoting the area proposed for redesignation from Agricultural to Industrial:



Figure 1: Map Attached to Proposed Ordinance

¹ See Declaration of Astha Sharma Pokharel, annexed hereto (hereinafter "Sharma Pokharel Decl."), Ex. 9.

What this map does not show is the historic community of Romeville, and its historic sites, that would be impacted by this redesignation, which can be seen more plainly here:

Romeville land use: Proposed Industrial re-designation 26-08

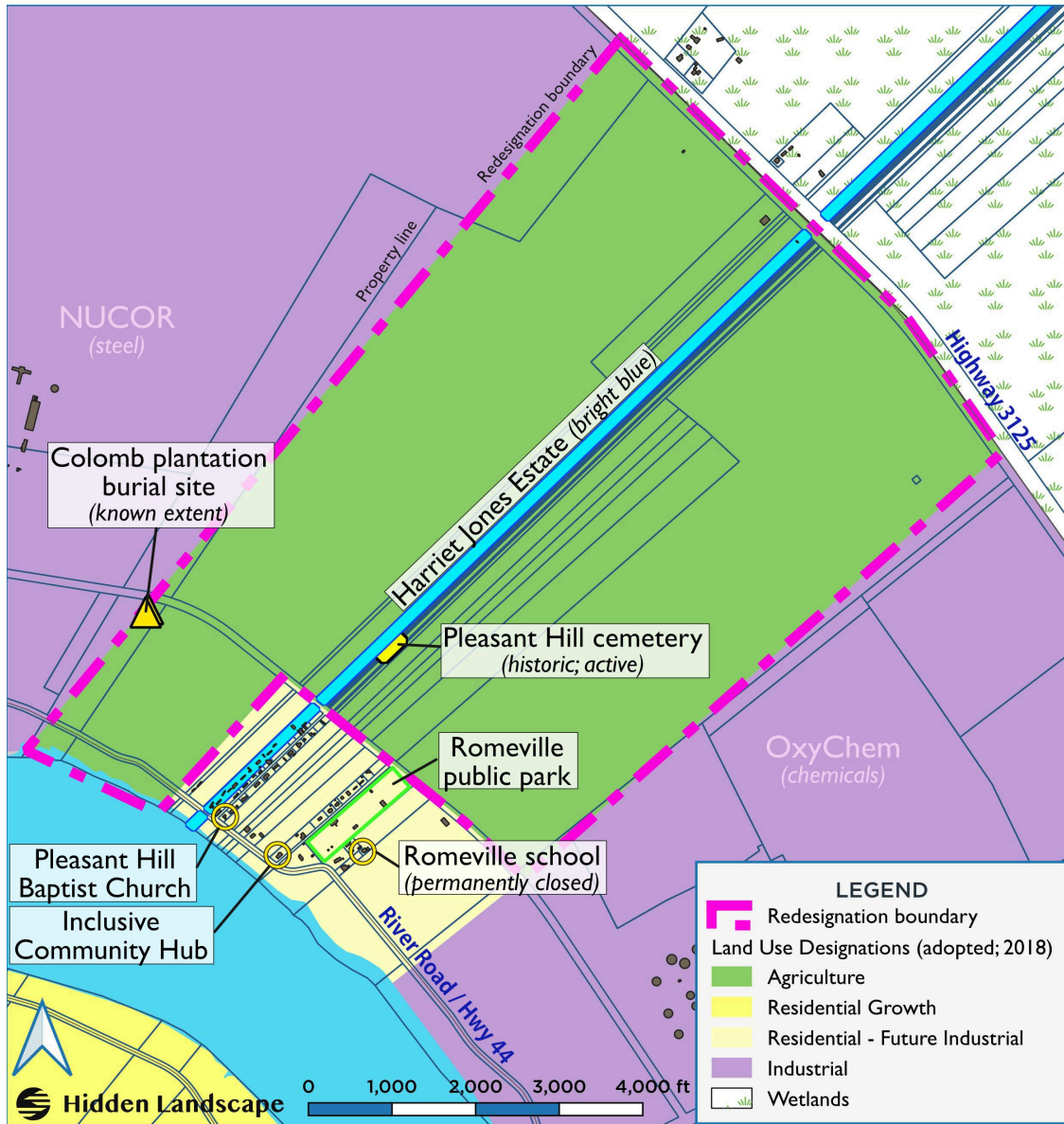


Figure 2: Historic and Community Institutions Threatened by Ordinance

As is evidenced from this map, Pleasant Hill Cemetery, the Estate of Harriet Jones, and likely the Colomb Plantation Cemetery would be redesignated as industrial sacrifice zones.

Pleasant Hill Baptist Church, Inclusive Louisiana’s Community Hub, and Romeville Public Park

would not be formally redesignated through this Ordinance, but the Ordinance would enable industrial facilities to fully encircle them.

On June 1, 2026, counsel for Plaintiffs sent a detailed letter to counsel for the Parish alerting it of the threats the Ordinance would pose to these communities and cemeteries, advising the Parish that any such action would only continue the unlawful pattern of discriminatory and unlawful conduct this Court found was plausibly pled, and urging the Council to withdraw the Ordinance from the Council's Agenda. Sharma Pokharel Decl., Ex. 2. On June 2, Special Counsel for the Parish, Vic Franckiewicz, responded:

We disagree with the assertion in the opposition letter that the parish's actions are unlawful, and are of the opinion that there is no legal basis for a court to require the parish council to withdraw the matter from its agenda. The public hearing on the Shady Grove/Romeville land use redesignation will remain on the 6/3/26 agenda for the council's meeting in Convent A second public hearing on the redesignation is scheduled in Vacherie in connection with the council's 6/17/26 meeting.

Id., Ex. 3. The first public hearing went forward on June 3. On June 11, counsel for Plaintiffs sent another letter to counsel for the Parish reiterating that should the Ordinance be passed, Plaintiffs intended to "seek expedited legal relief from the court in the Inclusive Louisiana litigation[.]" *Id.*, Ex. 14. On June 16, Mr. Franckiewicz responded, once again, that:

we disagree with the assertion in the opposition letter that the parish's actions are unlawful, and are of the opinion that there is no legal basis for a court to invalidate the ordinance, if it were to pass. Further, passing the ordinance would not violate any ruling of any court.

Id., Ex. 15. On June 17, 2026, the Parish Council held a second public hearing on the Ordinance, which was amended to clarify that the property was on the east, not west, bank of the Mississippi River. *Id.*, Ex. 16. Plaintiff Inclusive Louisiana and RISE St. James attended, and its members pled with the Parish Council to reject the Ordinance, to protect their communities. LeBoeuf and Washington Decl. ¶¶ 22-24.

Three of the four Black councilmembers expressed serious concern with the Ordinance. *Id.* ¶ 31. Additionally, it became clear at the hearing that the Parish has an intention to imminently allow an industrial facility to build in this area: at the hearing, counsel of the Parish, Mr. Franckiewicz, relayed that a new Comprehensive Plan related to land use would be ready for a Parish Council vote by December 2026. *Id.* ¶ 26. Mr. Franckiewicz also explained that the only land in the Parish that is currently slated for redesignation in that new Comprehensive Plan is the Romeville/Shady Grove area that is the subject of this Ordinance. *Id.* In other words, the Comprehensive Plan would propose the exact same redesignation as the Ordinance, just six months later. Yet the Parish Council still voted to ignore the comprehensive planning process, and instead expedite the redesignation of this land. *Id.* ¶¶ 26-27.

In a 3-4 vote, the Council voted to pass the Ordinance. Three out of the four Black councilmembers voted against it; all three white councilmembers voted for it. *Id.* ¶ 31.

The St. James Parish Home Rule Charter requires the Ordinance to be sent to the Parish President within two days after adoption, requires the Parish President to approve it within six days, and allows the effective date of the Ordinance to be at least five days after publication in the official journal after the President's approval. St. James Par., Home Rule Charter, Art. IV, Sec. B and C. The Ordinance itself states that it will be "effective immediately after passage." *See* Sharma Pokharel Decl. Ex. 1.

B. The Parish's Discriminatory Land Use System

The Court is familiar with the facts of this case, explained thoroughly in Plaintiffs' Second Amended Complaint (Dkt. No. 104) and this Court's ruling on the Parish's Motion to Dismiss (*Inclusive Louisiana*, 2026 WL 352793, at *1). To summarize: Plaintiffs are community-based groups and a church whose members live, work, and worship in the Fourth

and Fifth districts of St. James Parish, one of the River Parishes. *Id.* at *2. Those districts are both majority-Black, and because they are majority-Black, the St. James Parish government has steered virtually every industrial facility that exists in the Parish into those districts. *Id.* at *1. The resulting industrial structures and pollution impacts Plaintiffs' members properties, as well as sites of cultural, historic, and religious significance to them, and it puts their health at serious risk. *Id.* at *2-3. The resulting public health emergency has led to this area being known as "Cancer Alley."

Prior to the Civil War, the River Parishes were characterized by large sugarcane plantations where people were enslaved. Dkt. No. 104 ¶ 32. Those plantations were held by enslavers, and after the Civil War, their descendants, who retained control over land and political power, and deepened efforts to disenfranchise Black people. *Id.* at 23-70. Those large plantation properties were eventually sold at a profit to corporations that have since built industrial plants on those properties. *Id.* ¶ 185. Former plantations also contain the cemeteries of those once enslaved there, which are now threatened by industrial expansion. *Id.* at 134-155. *See also* Declaration of Laura Blokker (hereinafter "Blokker Decl."), ¶ 14, 19. After Emancipation, a small and remarkable minority of people who were formerly enslaved were able to buy narrow plots of land, often at the edges of the plantations where they were enslaved, and to form communities for themselves there—homes, churches, schools. Blokker Decl., ¶¶ 13, 18, 20-21. Those historic, Black communities are today threatened by industrial expansion steered there by the Parish.

This land use pattern and practice is exemplified by the Colomb, Wilton, and Helvetia Plantations, and the adjacent town of Romeville that the Parish has now designated an industrial sacrifice zone. The Colomb, Wilton, and Helvetia plantations, where people were once enslaved,

are now the site of the Nucor Steel facility, which began construction in 2011 and was granted one of the largest economic deals in St. James Parish history under former Parish President Dale Hymel. Dkt. No. 104 ¶¶ 249-252. As described further below, the adjacent town of Romeville includes a community built by people who were enslaved on the Wilton Plantation. Blokker Decl., ¶¶ 25-37. The community is already sandwiched between Nucor Steel and Oxychem, another industrial plant. *See* figure 2. The Ordinance enacted on June 17 compels Plaintiffs to bring to this Court the story of those formerly-enslaved people who, against all odds, were able to acquire property soon after the Civil War and develop multigenerational and unyielding ties to Romeville. Blokker Decl., ¶ 65. Now, the Parish has announced its intent to destroy those ties.

C. The Ordinance Would Redesignate Pleasant Hill Cemetery Into an Industrial Sacrifice Zone.

Romeville is home to a remarkable community formed by freedpeople after the Civil War. On February 20, 1874, just eight years after the ratification of the Thirteenth Amendment, a group of formerly-enslaved people purchased land from plantation owners Alfred Colomb and J. Bruce Morson, in what is today Romeville. Blokker Decl., ¶¶ 25-26. The land was purchased for the purpose of establishing the Pleasant Green Baptist Church and Cemetery, which today are known as Pleasant Hill Baptist Church and Cemetery. *Id.*, ¶¶ 6,8, 24, 37. The eleven purchasers of the property were General Jones, Peter Riley, Robert Walker, Milton Scullock, Orange Jones, William Pleasant, Richard Johnson, Jack Carter, George Lewis, Anderson Pride, and Pleasant Jones. *Id.* ¶ 25. Those individuals were born in Virginia and North Carolina and trafficked to Louisiana, where they were last enslaved before Emancipation. *Id.* ¶¶ 27-28. At least nine of these eleven individuals had been living and enslaved on the nearby Wilton Plantation, and according to the church's history, the church was established on the plantation prior to the 1874 purchase of the property. *Id.* ¶¶ 35-37.

Pleasant Green Baptist Church was a community hub, and its pastors were community leaders. In June of 1870, Rev. General Jones, the first pastor of the church, was identified as a member of the executive committee of the Parish. *Id.* ¶ 39. In 1877, he was appointed to be a trustee for the 3rd school district of the Parish. *Id.* ¶ 42. Rev. General Jones and Rev. Mallory Green are likely both also buried there in unmarked burial sites. *Id.* ¶¶ 43-44, 51.

The next pastor of the church was Rev. Isaac Mitchell, about whom little is known, and then Rev. Mallory Green, who was also a formerly-enslaved community leader. *Id.* ¶¶ 45-46. Rev. Mallory Green was also likely enslaved on the Wilton Plantation community, and in 1872, he was a Justice of the Peace for the 3rd Ward of the Parish. *Id.* ¶¶ 46-48. In 1884, he was commissioned as Constable of the 3rd Ward. *Id.* ¶¶ 49. Rev. Mallory Green was the last pastor of Pleasant Green Baptist Church who was born before Emancipation. *Id.* ¶¶ 52. Rev. Green is likely buried in an unmarked burial site in Pleasant Hill Cemetery. *Id.* ¶¶ 51.

After Rev. Mallory Green, Rev. Joseph Dumas and Rev. Moses Russ were the pastors of the church. *Id.* ¶¶ 52-55. Rev. Moses Russ served in World War I. *Id.* ¶¶ 55. Grave markers for both Rev. Dumas and Rev. Russ are today preserved at the Pleasant Hill Cemetery. *Id.* ¶¶ 54-56.

Just as the pastors were community leaders, the Church was a community center. In 1876 and 1880, Pleasant Hill Baptist Church was listed as the polling place for the 3rd Ward of the Parish. *Id.* ¶ 41. In the 1920s, the church appeared in newspapers repeatedly. *Id.* ¶ 53.

Both the Church and Cemetery are of deep cultural, religious, and historic significance to Inclusive Louisiana's co-founders. LeBoeuf and Washington Decl., ¶¶ 8-18, 37. One of them was baptized there as a teenager. *Id.* ¶ 11. Generations of Romeville residents have been buried in the cemetery, and Ms. Washington and Ms. LeBoeuf's loved ones are buried there. *Id.* ¶ 12.

The Ordinance re-designates Pleasant Hill Cemetery into an industrial sacrifice zone. *See*

Figure 2. While it will not formally re-designate Pleasant Hill Baptist Church, it will allow industry to fully encircle it. *Id.*

D. The Ordinance Likely Redesignates Colomb Plantation Cemetery Into an Industrial Sacrifice Zone.

Before the Civil War, people who were enslaved on the sugarcane plantations that flourished in the River Parishes were generally not buried in church cemeteries. Dkt. No. 104, ¶ 596. Instead, they were buried on uncultivated land, toward of the back of the plantation where they were enslaved, further away from the Mississippi River in or at the edge of the forest. *Id.* ¶¶ 589, 596. They were forced to live, labor, and die where they were held captive. *Id.* ¶ 589. By the time of Emancipation there were likely several cemeteries of enslaved people within each plantation. *Id.* There are hundreds of unmarked cemeteries of people enslaved on the plantations in St. James Parish. *Id.* ¶ 600. Louisiana’s chief archaeologist, Dr. Chip McGimsey, has stated “with almost 100% certainty” that there is “going to be a slave cemetery” on “every plantation that existed.”²

Just west of Pleasant Hill Cemetery, there is an unmarked cemetery on the former Colomb Plantation, on land currently owned by St. James Parish. *See* Map from Forensic Architecture Website and Map from St. James Parish Property Viewer Website, attached to Sharma Pokharel Decl. as Ex. 4-5. Given its location in the former plantation, that cemetery likely contains burials of people formerly enslaved on that plantation. The boundary of the redesignation in the Proposed Ordinance cuts through that cemetery. *See* Figure 2. In other

² Charisse Gibson, *Who Benefits from the petrochemical industry in St. James Parish?*, WWL TV CBS, Feb. 14, 2020, available at <https://www.wvltv.com/article/news/local/who-benefits-from-the-petrochemical-industry-in-stjames-parish/289-e41c3adb-0a11-47c4-b28e-dcfc2bc230e6>.

words: the Parish retains formal ownership over the cemetery, likely of formerly-enslaved people, and intends now to prepare that cemetery for industrial development.

E. The Ordinance Redesignates the Estate of Harriet Jones Into an Industrial Sacrifice Zone.

Harriet Jones was a formerly-enslaved woman who in 1874, just eight years after the Thirteenth Amendment to the U.S. Constitution was ratified abolishing slavery, was able to purchase 34 acres of property from plantation owners in what is today Romeville. Dkt. No. 104 ¶ 89.

For over 150 years, that property—the Estate of Harriet Jones—has been preserved, and passed down through the generations, and is now co-administered by her fifth-generation granddaughter, Ms. Barbara Washington (LeBoeuf and Washington Decl., ¶ 20), who is a co-founder of Inclusive Louisiana and current resident of Romeville, just adjacent to the Estate of Harriet Jones. Dkt. No. 104 ¶¶ 89-90. Notwithstanding slavery, the subsequent subjugation of and violence against freedpeople, the disenfranchisement of Black voters and landowners in the area, and more recently the displacement caused by industrial expansion, Ms. Jones’s family has been able to hold on to this tract of land through the years. The land is a monument to freedom from slavery, and to the multigenerational, unyielding ties that the family and descendant community have to the area. The Ordinance transforms the Estate of Harriet Jones into an industrial sacrifice zone. *See* Figure 2.

F. The Ordinance Allows Industry to Close in on and Encircle Inclusive Louisiana’s Community Hub, Romeville Public Park, and the Residence of Inclusive Louisiana’s Co-Founding Member.

In the same small community where Pleasant Hill Baptist Church and Cemetery sit, is Inclusive Louisiana’s Community Hub. LeBoeuf and Washington Decl., ¶¶ 7, 33. Inclusive Louisiana uses this Hub to hold community events, youth summer camps, organizational

meetings, and to plan events, including religious gatherings. *Id.*, ¶ 34. And just down the street from the Hub is Romeville Park – a public park used by the community for recreation. *Id.*, ¶ 7. That small community includes numerous residences, including the residence of at least one Inclusive Louisiana member – Ms. Barbara Washington. *Id.* The Ordinance would not formally redesignate, but would nevertheless allow industry to fully encircle Inclusive Louisiana’s Community Hub, Romeville Public Park, and the residences in that area. *See* Figure 2.

ARGUMENT

Recognizing that temporary restraining orders are “no doubt necessary in certain circumstances . . . [to] preserv[e] the status quo and prevent[] irreparable harm,” *Granny Goose Foods, Inc v. Bhd. Of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974), Rule 65 of the Federal Rules of Civil Procedure authorizes this Court to issue TROs. To obtain a TRO, a movant need only preliminarily “establish the same four elements for obtaining a preliminary injunction.” *Gilscot-Guidroz Int’l Co. v. Milek*, No. 24-1409, 2024 WL 3011013, at *4 (E.D. La. June 3, 2024). The Court should therefore grant a TRO so long as Plaintiffs show:

- (1) a substantial likelihood of success on the merits,
- (2) a substantial threat of irreparable injury if the injunction is not issued,
- (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the [restraining order] is granted, and
- (4) that [granting the restraining order] will not disserve the public interest.

Whirlpool Corp. v. Shenzhen Sanlida Elec. Tech. Co., 80 F.4th 536, 543 (5th 2023); *Gilscot-Guidroz*, 2024 WL 3011013, at *4. Plaintiffs need only show a likelihood of success on one of their claims. *See Texas v. United States*, 86 F. Supp. 3d 591, 672 (S.D. Tex.), *aff’d*, 809 F.3d 134 (5th Cir. 2015). Plaintiffs clearly demonstrate each of these elements.

I. Plaintiffs Are Likely to Succeed on the Merits of Their Thirteenth Amendment, Louisiana Constitution, and RLUIPA Claims.

A. Plaintiffs Are Likely to Succeed on Their Thirteenth Amendment Claim.

The Thirteenth Amendment, ratified in 1865, abolished slavery, and provided the means for abolishing all of its “badges and incidents,” *Civil Rights Cases*, 109 U.S. 3, 20 (1883). The Ordinance is the latest decision in a discriminatory land use system that is so clearly a badge and incident of slavery.

As this Court thoroughly analyzed in its February 2026 ruling, both the Supreme Court and the Fifth Circuit³ have provided some guidance on what kinds of actions violate the Thirteenth Amendment as badges or incidents of slavery. *Inclusive Louisiana v. St. James Par.*, 2026 WL 352793, at *4. Reviewing this jurisprudence, this Court reasoned “[i]n other words, as states developed new ways to subjugate the people who had previously been enslaved, the meaning and scope of ‘badges and incidents of slavery’ necessarily expanded.” *Id.* at *4-5. Looking at the case presented by the Plaintiffs, and following the guidance from the Supreme Court and Fifth Circuit, this Court ruled that St. James Parish’s legacy of siting industrial facilities exclusively in predominantly Black districts of the Parish, if ultimately proven to be true, reflected a continuing “badge and incident” of slavery in violation of the Thirteenth Amendment. *Id.* at *5.

This Ordinance is, like the Parish’s prior actions, a continuation of the harms associated with slavery and thus likely also violates the Thirteenth Amendment.

³ For example, in *United States v. Jefferson Cnty. Bd. of Educ.*, the Fifth Circuit reasoned that the government’s duty to integrate schools was rooted partially in the Thirteenth Amendment, to address “the badge of slavery separation displays,” and that “a state policy of apartheid aggravates the harm.” 372 F.2d 836, 867–68 (5th Cir. 1966).

First, this Ordinance is just the latest in an unrelenting system of discrimination that Plaintiffs' members have been experiencing for decades, and have been pleading with their municipal government to stop. The Fifth Circuit has ruled that Plaintiffs have plausibly alleged that they have been subjected to "unequal treatment because the Parish consistently steers hazardous industrial development toward the predominantly Black districts (where they reside and worship) while shielding predominantly White districts from industrial development." *Inclusive Louisiana*, 134 F.4th at 311–12. Indeed, the Fifth Circuit held that the "Amended Complaint is replete with allegations of such unequal treatment." *Id.* at 312. Similarly, this Court, after reviewing Plaintiffs' allegations (which are overwhelmingly based on public documents), has held that the "extensive history of land use decisions that Plaintiffs recount in their thoroughly researched complaint, when taken as true, may very well represent one of those rare cases in which 'a clear pattern, unexplainable on grounds other than race, provides sufficient evidence of discriminatory intent.'" *Inclusive Louisiana*, 2026 WL 352793, at *6.

Second, the harms caused by the Ordinance are comparable to the harms of slavery. The Ordinance is a clear signal to Plaintiffs and to the Romeville community by their own government that sites of deep historic, cultural, and religious significance to their members—descendants of people enslaved in the River Parishes—are undeserving of protection and preservation, even existence. *See Inclusive Louisiana*, 134 F.4th at 312 (holding that Plaintiffs had sufficiently pled stigmatic harm). The dignitary harm that results is "a form of stigma so severe as to violate the Thirteenth Amendment." *City of Memphis v. Greene*, 451 U.S. 100, 128 (1981). Moreover, the Parish's treatment today of the graves of the enslaved and of those who survived slavery, is not only comparable to the harms of slavery, but is an "inseparable incident[] of the institution" of slavery. *C.R. Cases*, 109 U.S. 3, 22 (1883). It is the continuation of an

aspect of the slavery system that was never addressed. What the Parish threatens to do with this Ordinance is *the very same* treatment that enslaved people’s burial sites were given during slavery—devalued and disregarded. Finally, the property and health-related harms also echo a core aspect and harm of slavery: the intentional interference with the fundamental rights to bodily integrity and to property.

If allowed to pass, the Ordinance would allow industrial expansion in historic Romeville, a majority-Black community, and further the erasure of several sites of historical, cultural, and religious significance to Plaintiffs and others who are descendants of people formerly enslaved in the River Parishes. First, the Ordinance would transform into industrial land the Pleasant Hill Cemetery, established, just eight years after ratification of the Thirteenth Amendment, by freedpeople who had been enslaved on an adjacent plantation. *Blokker Decl.* ¶¶22-28. That cemetery is likely where at least two of those freedpeople are buried, and where other members of that community and their descendants are buried. *Id.* ¶¶ 44, 51, 54, 56. Ms. Barbara Washington and Ms. Gail LeBoeuf, co-founders and co-Executive Directors of Inclusive Louisiana, have ancestors and loved ones buried there. *LeBoeuf and Washington Decl.* ¶ 12. Second, the Ordinance would allow industry to completely encircle Pleasant Hill Baptist Church itself. *See* Figure 2. Third, the Ordinance would transform into an industrial sacrifice zone the Estate of Harriet Jones (*see* Figure 2), a once-enslaved woman who was able to purchase a plot of land just next to Pleasant Hill Baptist Church—land that five generations of her descendants have held on to, and which is now co-administered by her fifth-generation granddaughter, Ms. Washington. *LeBoeuf and Washington Decl.* ¶ 20. Fourth, the Ordinance may⁴ also redesignate

⁴ The known area of the cemetery is just on the edge of the redesignation boundary. The cemetery may be larger than that, and the redesignation boundary is not clear on the map attached to St. James Parish’s Proposed Ordinance.

as industrial the Colomb Plantation Cemetery (*see* Figure 2), which is on property that St. James Parish currently owns (Sharma Pokharel Decl., Ex. 4-5), into an industrial use. Finally, the redesignation would allow industry to close in on and encircle institutions used today by this historic and majority-Black community—Inclusive Louisiana’s Community Hub and Romeville Park—as well as the residence of at least one Inclusive member and co-founder, Ms.

Washington, thereby accelerating the ongoing erasure of the historic community, foreshadowed by the Land Use Plan’s “residential / future industrial” designation of Romeville that forms a part of Plaintiffs’ challenge in this litigation. LeBoeuf and Washington Decl. ¶¶ 7, 19, 33.

B. Plaintiffs Are Likely to Succeed on Their Claim Under Art. XII, § 4 of the Louisiana Constitution.

The Louisiana Constitution recognizes the “right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins.” La. Const. art. XII, § 4. In February 2026, this Court ruled that Plaintiffs have alleged sufficient facts to make out a plausible claim (1) that the Parish’s land use system is a policy, practice, and/or custom of land use that has already resulted in the destruction and desecration of cemeteries and burial sites of people once enslaved on the plantations in St. James Parish, and (2) that the land use system negatively impacts “other sites with enormous historic and cultural value to Black communities like churches, schools, homes, neighborhoods, and continues to threaten such places.” *Inclusive Louisiana*, 2026 WL 352793, at *10 (citing Dkt. No. 104, ¶¶ 734-36). Put another way, this Court ruled that, if the allegations were ultimately proved to be true, the Parish’s actions would violate the Louisiana Constitution. The evidence before the Court on this motion, which is entirely emblematic of the Complaint’s allegations, is sufficient thus to demonstrate a likely violation of the Louisiana Constitution.

Through this claim, Plaintiffs seek an end to the Parish's land use practices that have enabled the destruction of sites of deep significance to their members' cultural origins, including cemeteries, churches, and some of the earliest plots of land owned by Black people in St. James Parish and passed down to their descendants. Now, through this Ordinance, as described above, the Parish seeks to engage in more of this unlawful conduct.

This Ordinance would allow industrial plants to overtake culturally significant parts of the majority-Black Romeville community in the 4th district, including the Pleasant Hill Cemetery as well as the Colomb Plantation Cemetery (fig. 2), which the Parish currently owns. Sharma Pokharel Decl., Ex. 4-5. These cemeteries are the resting places of formerly-enslaved and freed people, and their descendants, including Ms. Washington and Ms. LeBoeuf's loved ones. LeBoeuf and Washington Decl., ¶ 12. The Ordinance also redesignates as "Industrial" the Estate of Harriet Jones (fig. 2), the formerly-enslaved great-great-great-great grandmother of Plaintiff Inclusive's co-founder Barbara Washington—a historic testament, a monument in itself, to freedom from slavery that has remained in Ms. Jones's family over five generations, and is now co-administered by Ms. Washington. LeBoeuf and Washington Decl., ¶ 20.

Finally, the Ordinance would enable industry to encircle Pleasant Hill Baptist Church, established by a remarkable group of formerly-enslaved people in 1874—another monument to freedom from slavery. Blokker Decl. ¶ 22-26. This church is where Ms. Washington was Baptized as a teenager, and it is of deep historic, cultural, and religious significance to both Ms. Washington and Ms. LeBoeuf. LeBoeuf and Washington Decl., ¶¶ 9-11, 18.

The Ordinance, therefore, would further the erasure of sites of deep cultural and historic significance to the descendants of formerly-enslaved and freedpeople, including Plaintiffs' members, thereby violating their right to preserve their historic and cultural origins.

C. Plaintiffs Are Likely to Succeed on Their RLUIPA Non-Discrimination Claim.

As this Court has ruled, Mount Triumph Baptist Church has plausibly stated a claim under RLUIPA that “Defendants have implemented land use regulations that protect Catholic and majority-white churches from industrial development through required buffer zones, but that also permit such development in the immediate vicinity of majority-black churches with no such protection.” *Inclusive Louisiana*, 2026 WL 352793, at *13. In its motion to dismiss, the Parish raised no arguments in support of dismissing the RLUIPA Non-Discrimination claim. *Id.* Indeed, in 2014 the Parish admitted, through the depiction of concentric circles in its Land Use Plan, that it intended to apply 2-mile buffer zones only to protect Catholic churches, and not to Baptist Churches. Sharma Pokharel Decl., Ex. 8. Thus, Black and Baptist churches located throughout the majority-Black 4th and 5th districts were not given their own circular buffers. Dkt. No. 104 ¶¶ 285-288, 292-293. While the physical depiction of the discriminatory buffer zones was erased from the Land Use Plan in 2018, the practice still remains: the Parish has continued to grant industrial land use approvals in close proximity to a Black Baptist Church in the 4th and 5th Districts. *See* land use approvals for Syngas, Ergon, and Formosa attached to Sharma Pokharel Decl., Exs. 10-13. Dkt. No. 104 ¶ 373. The Ordinance is just the latest example of this practice: the area that the Parish is designating for industrial use is just 0.3 miles from Pleasant Hill Baptist Church. *See* Figure 2. If not enjoined, the Ordinance will continue the discriminatory pattern of allowing industrial facilities within 2 miles of historic, Black, Baptist Churches, denying them the buffer zones that have benefited white Catholic churches.

II. Plaintiffs Will Suffer Irreparable Harm Absent a TRO.

If the Ordinance is allowed to take effect, it would cause irreparable stigmatic, dignitary, and constitutional harm to Plaintiffs. In its opinion holding that Plaintiffs had sufficiently pled unequal treatment and resulting stigmatic injury, the Fifth Circuit emphasized the following

statement from Ms. LeBoeuf, founding member of Inclusive Louisiana, and Ms. Sharon Lavigne, founding member of RISE St. James: “[i]t is painful to see a land use map that so clearly signals the disregard of our lives and communities ... clearing the way for more industry, more pollution, and more harm.” 134 F.4th at 312. This Ordinance is another brazen example that reflects the same unequal treatment and dignitary harm: despite knowing the history of freedom of slavery that is immortalized in the land in Romeville, and the harms attendant to industrial expansion, and despite Plaintiffs’ members pleas, the Parish Council has vote to ensure the community’s erasure by industry anyway.

First, the Fifth Circuit has held that the violation of *any* constitutional freedoms constitutes irreparable harm. *See BST Holdings, LLC v. OSHA*, 17 F.4th 604, 618 (5th Cir. 2021) (“the loss of constitutional freedoms ‘for even minimal periods of time ... unquestionably constitutes irreparable injury.’”). The Ordinance would result in constitutional harm arising from yet another unlawful act in the Parish’s discriminatory land use system. This includes the constitutional harm arising from a violation of the Thirteenth Amendment and the Louisiana Constitution, as well as from their RLUIPA claim because “RLUIPA enforces First Amendment freedoms.” *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012).

Second, the Ordinance would deepen the stigmatic harm to Plaintiffs and make clear the Parish’s position that their community’s historic, religious, and cultural sites do not require protection because they are deemed, by their own government, as insignificant and undeserving of federal and state legal protections. Stigmatic harm experienced as a result of race discrimination “at the hand of government officials” constitutes irreparable harm. *Greer's Ranch Cafe v. Guzman*, 540 F. Supp. 3d 638, 651 (N.D. Tex. 2021).

Indeed, the Parish's perspective that this historic area is insignificant has already been evidenced in its actions. While local residents refer to their community as Romeville, the Ordinance only refers to the area as "Shady Grove," the name preferred by the Parish. In fact, the Port of South Louisiana already has public-facing documents indicating that this land, which is currently designated as "Agricultural" is open for industrial development. Sharma Pokharel Decl., Exs. 6 and 7. The Port lists "Shady Grove" as an available site for industrial development, with a map of the area that is nearly identical to the Ordinance. *Id.*, Ex. 6. And Entergy's Louisiana Site Selection website has a page about "Shady Grove" that, as of this filing, was last updated on April 13, 2026. *Id.*, Ex. 7. It lists the area as zoned Industrial, with the St. James Parish Office of Economic Development listed as a contact. *Id.*

Lastly, the Parish is likely to imminently steer an industrial facility into Romeville if the Ordinance is implemented. Between the time that Plaintiffs filed their case and when they filed their Second Amended Complaint just three years later, the Parish had approved or reaffirmed six industrial projects in the 4th and 5th districts in St. James Parish. Dkt. No. 71-1. Not once has the Parish denied an industrial land use in the 4th district. Dkt. No. 104, ¶ 373. Therefore, the Parish is likely to immediately expedite industrial development in the area, fundamentally altering its historic, cultural, and religious character and Plaintiffs' physical access to, and preservation of, culturally and religiously significant sites, and rendering them even more exposed and vulnerable to industrial pollution, which is already so pervasive and pronounced that it places them in the highest risk categories in the country for cancer and other illnesses.

At the Parish Council hearing on June 17, 2026, the Parish's attorney admitted that the redesignation of Romeville was planned to occur during a regular comprehensive planning process by December of 2026, but that it was being expedited via this Ordinance. LeBoeuf and Washington

Decl., ¶ 26. In other words: the Parish Council could not wait six months to follow its existing comprehensive planning process. This, in addition to the fact that the land is already being advertised for industrial development by Entergy and the Port of South Louisiana, leads Plaintiffs to believe that an industrial plant will be built in the land imminently. This threat of this additional encroachment already causes deep and irreparable harm to Plaintiffs.

III. The Balance of Equities and Public Interest Weigh in Plaintiffs' Favor.

When the government is the opposing party, harm to the opposing party and the public interest merge *Nken v. Holder*, 556 U.S. 418, 435 (2009). Plaintiffs seek to prevent an action that would violate constitutional and federal law, and “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Jackson Women’s Health Org. v. Currier*, 760 F.3d 448, 458 n.9 (5th Cir. 2014) (citation omitted); *United States v. State of Tex.*, 508 F.2d 98, 101 (5th Cir. 1975) (public interest would be served by “maintaining the status quo pending a full trial on the merits” in a case challenging a law that would result in discriminatory school system). “[N]either [the State] nor the public has any interest in enforcing a regulation that violates federal law.” *Book People, Inc. v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024) (citation omitted).

Plaintiffs also seek to preserve historic sites that have been there for over 150 years, that are monuments to freedom from slavery, including two cemeteries. This is in the public interest. In *City of Philadelphia v. Burgum*, the court granted a preliminary injunction preventing the Trump Administration’s attempted removal of exhibits at the President’s House Site referencing slavery and the individuals enslaved by President George Washington. 820 F. Supp. 3d 313 (E.D. Pa. 2026). In granting the injunction, the court held that “there is a public interest in the preservation and exhibition of that history.” *Id.* The same public interest is evident here, where

Plaintiffs seek to protect historic sites created and preserved by *their own* formerly-enslaved ancestors; and this public interest is made even more urgent by the fact that the land at issue contains two historic cemeteries—one a plantation cemetery, and one a cemetery containing the burial grounds of freedpeople and their descendants. As the Louisiana Supreme Court has said, “when a plot of ground is set apart for cemetery purposes, and burials are made in the land, the ground changes its character in the minds and feelings of the community. ‘It assumes a sacred quality that overrides conveyancers’ precedents and requires freedom from profanation[.]’” *Humphreys v. Bennett Oil Corp.*, 195 La. 531, 551, 197 So. 222, 229 (1940).

On the other hand, there will be no harm to the Parish because any injunction preventing the redesignation of the land to “Industrial” would merely preserve the longstanding status quo: the land has been used as agricultural and residential land for centuries, and it has been formally designated by the Parish itself as agricultural land for 12 years. The Parish has provided no reason for enacting this Ordinance at this point, and in fact it is proceeding with this Ordinance knowing this litigation is pending, and knowing the significance of the Pleasant Hill Baptist Church and Cemetery, the Harriet Jones Estate, and the historic town of Romeville to the Plaintiffs in this case. *See* Blokker Decl. ¶¶ 22-37, 65; Sharma Pokharel Decl. Ex., 2; Dkt. No. 104 ¶¶ 89-90, 670 (describing the significance of Pleasant Hill Baptist Church and Cemetery, and the Harriet Jones Estate). In other cases, courts have found no hardship to the nonmovant in preserving the status quo, where the status quo has been in place for decades and the nonmovant chose to take action notwithstanding pending litigation. *See Puerto Rico Conservation Found. v. Larson*, 797 F. Supp. 1066, 1072 (D.P.R. 1992) (“This road has been closed for the past twenty two (22) years, and any delay in the outcome of this case will be minimal compared to the past

delay. The defendants voluntarily chose to proceed with their construction bid while litigation was pending.”).

IV. This Court Should Set the Bond at Zero Dollars.

When a court issues a temporary restraining order, Fed. R. Civ. P. 65(c) typically requires “the movant gives security in an amount that the court considers proper.” The Fifth Circuit has acknowledged that the proper amount can be “no security at all,” and is at discretion of the district court. *Corrigan Dispatch Co. v. Casa Guzman, S.A.*, 569 F.2d 300, 303 (5th Cir. 1978); see also *Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996) (“[W]e have ruled that the court may elect to require no security at all.”).

The Fifth Circuit has found setting no bond is proper where “plaintiffs were engaged in public-interest litigation” since it is “an area in which the courts have recognized an exception to the Rule 65 security requirement” and “the court could reasonably have concluded that the parties to this action were financially unable to post [a large bond].” *City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. 1981).

Plaintiffs bring this case to protect both the public interest in preserving the designation of sites of significant historic and cultural value, such as Pleasant Hill Church and Cemetery, as well as Plaintiffs’ constitutional rights. See *Advocacy Ctr. for Elderly & Disabled v. Louisiana Dep’t of Health & Hosps.*, 731 F.Supp.2d 603, 626 (E.D. La. 2010) (recognizing exception for bond requirement where plaintiffs are engaged in “public interest” litigation). As local nonprofit organizations and a community church, Plaintiffs possess limited financial resources and would be unable to pay a substantial bond. *Beverly Myers, Inc. v. Sanderson Farms, Inc.*, 2012 WL 12874577, *1 (S.D. Miss. 2012) (no bond required where “[p]laintiffs lack the financial means to provide any security under Rule 65(c) ...[and] requiring security would defeat the purpose of the

preliminary injunction”). Lastly, given the myriad serious legal and constitutional issues arising from Defendants’ continued use of a discriminatory and unlawful land use system, and since Defendants would suffer no irreparable harm should this Court grant injunctive relief, there is no risk to defendants in granting a temporary restraining order without bond.

CONCLUSION

Plaintiffs meet each of the elements for temporary injunctive relief and respectfully ask the Court to issue a TRO enjoining St. James Parish from taking any further action to implement and/or give effect to its recently-passed Ordinance No. 26-08, and enjoining any efforts which seek to redesignate land in Romeville from “Agricultural” to “Industrial.”

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Respectfully submitted,

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