

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

ABRAHAM HOUSE OF GOD AND
CEMETERY, INC.; MR PROPERTY, LLC;
RIYADH ELKHAYYAT; and MAHER
ABUIRSHAD

Plaintiffs,

-against-

CITY OF HORN LAKE; BOARD OF
ALDERMEN OF THE CITY OF HORN LAKE;
PLANNING COMMISSION OF THE CITY OF
HORN LAKE; and ALLEN B. LATIMER in his
official capacity as MAYOR of the CITY OF
HORN LAKE

Defendants.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Civil No. 3:21cv231-MPM-RP

Judge:

Magistrate Judge:

COMPLAINT

1. The City of Horn Lake in DeSoto County, Mississippi, has thirteen churches but no mosque to serve local Muslim families. In fact, there is no mosque in all of DeSoto County, the third largest county in Mississippi by population, forcing families to travel to Tennessee for communal worship. Hoping to provide a dedicated and accessible spiritual home for these residents, long-time Mississippi citizens Plaintiffs Riyadh Elkhayyat¹ and Maher Abuirshaid set out to build a mosque—the Abraham House of God—on a piece of Horn Lake property that is zoned “as of right” for houses of worship (the “Property”). A site plan for the proposed mosque “met or exceeded” all requirements, according to staff employed by the City’s Planning Commission. But the Commission nevertheless denied approval, and the City’s Board of Aldermen affirmed that decision.

2. With no evidence, study, or analysis, the Board of Aldermen claimed that the proposed mosque would create traffic and violate local noise ordinances. In addition, even though numerous structures in Horn Lake far larger than the planned mosque already use the City’s water supply, the Board asserted—also without evidence, study, or analysis—that the City’s water mains were inadequate to support a fire sprinkler system for the building.

3. Despite the pretextual excuses for their decision, Board members did not work very hard to hide the true reason they denied approval for the project—anti-Muslim prejudice. As then-Alderman John E. Jones Jr. told the local newspaper: “I don’t care what they say, their religion says they can lie or do anything to the Jews or gentiles because we’re not Muslims.” In making his motion to reject the mosque’s proposed site plan, Jones ominously warned his fellow Board

¹ Mr. Elkhayyat also uses the shortened name “Ray Elk” and is often referred to as such.

members, “[I]f you let them build it, they will come. So I think we need to stop it before it gets here.”

4. Community members have expressed similar anti-Muslim sentiment in connection with Plaintiffs’ plans. In a Facebook group dedicated to opposing the proposed mosque, one local resident wrote, “This is wrong on so many levels. They are supposed to assimilate to our country, not us to theirs,” to which another local resident responded, “they will never assimilate. Their religion is to take over and kill the infidel. That’s us.” At least one Horn Lake Alderman was a member of the group. And before the Planning Commission voted on a permit for a religious cemetery that Mr. Elkhayyat and Mr. Abuirshaid had intended to locate next to the proposed mosque, one community member cautioned that it would be the “first step to an Islamic compound.” Shortly after the Planning Commission voted to deny the application for the cemetery, another community member offered to buy the land from Mr. Elkhayyat and Mr. Abuirshaid, making it clear that he did not want a mosque built on the property. When Mr. Elkhayyat and Mr. Abuirshaid refused the offer, another person told them they would only be able to build a mosque “over our dead bodies.” At the Board of Aldermen hearing for the site plan application, one speaker declared that “they are not subject to our laws, they’re subject to their laws.” And an email sent before the hearing by a community member to the Mayor read in part: “We do not want our community fostered into a muslim community and that is what will happen.” The Mayor’s response: “Thank you for your very informative email concerning the development on Church Road.”

5. In sum, what should have been an uncomplicated approval of the site plan for the Abraham House of God foundered in a storm of anti-Muslim bias. Indeed, during the Planning Commission meeting at which the permit for the mosque was denied, the Commission Chair—

facing a crowd of dozens of area residents who opposed the mosque—stated that the Commission understood that “majority rules.” No weight was given to the right of religious liberty to which all people, regardless of their faith, are entitled. Although the property for the proposed mosque was zoned for a church as of right, and the site plan met or exceeded all zoning requirements, the Planning Commission and the Horn Lake Board of Aldermen gave into the anti-Muslim animus held by their own members and community residents. As Alderman Charlie Roberts admitted, expressing regret after the fact for his vote against the site plan, “We stepped over the line of violating not only discriminatory rights because they’re Muslims, and also their freedom of religion.”

6. Alderman Roberts’s assessment was correct: Defendants have discriminated against Plaintiffs on the basis of religion and have violated their rights under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000c *et seq.* (“RLUIPA”), which provides heightened legal protections for individuals and groups facing discrimination in land-use decisions, as well as under the First Amendment of the United States Constitution. Plaintiffs seek declaratory and injunctive relief to redress this unlawful conduct, attorneys’ fees, and costs.

JURISDICTION AND VENUE

7. Plaintiffs’ claims arise pursuant to 42 U.S.C. § 2000cc and 42 U.S.C. § 1983.

8. This Court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1343 (civil rights jurisdiction).

9. Venue is properly set in this District pursuant to 28 U.S.C. § 1391(b), as the events or omissions giving rise to this action occurred in this District and the property that is the subject of the action is situated in this District.

THE PARTIES

Plaintiffs

10. Plaintiff Riyadh Elkhayyat has resided in DeSoto County, Mississippi, for over twenty years. He is a co-founder and president of the Abraham House of God mosque, and he is a 50% member of MR Property, LLC. Mr. Elkhayyat, his wife, and their six children practice Islam. Like other Muslims in DeSoto County, the family must travel to Tennessee to worship communally at a mosque because there is no mosque in DeSoto County or otherwise nearby in Northern Mississippi. Feeling a religious duty to address this problem and give back to his community, Mr. Elkhayyat, along with his friend and fellow Muslim, Mr. Abuirshaid, formed a limited liability company and purchased property in Horn Lake to build a mosque where local Muslim families may gather in spiritual fellowship and worship.

11. Plaintiff Maher Abuirshaid has been a resident of DeSoto County for more than five years and a resident of Mississippi since 2005. He is a co-founder and vice president of the Abraham House of God mosque, and he is a 50% member of MR Property, LLC. Mr. Abuirshaid, his wife, and their three children practice Islam. Like other Muslims in DeSoto County, the family must travel to Tennessee to worship communally because there is no mosque in DeSoto County or otherwise nearby in Northern Mississippi. Like Mr. Elkhayyat, Mr. Abuirshaid felt a religious duty to create a local mosque to give the DeSoto County Muslim community a spiritual and communal home; he thus worked with his friend to purchase the Property to make their dream a reality.

12. Plaintiff Abraham House of God and Cemetery, Inc. (“Abraham House of God”) is a non-profit corporation organized under the laws of Mississippi. Its articles of incorporation describe its planned activity as “religious associations” and the nature of its business is listed as

“cemeteries and crematories” and “religious organizations,” pursuant to the North American Industry Classification System standard classification system (“NAICS”).

13. Plaintiff MR Property, LLC (“MR Property”) is a Mississippi limited liability company, and the owner of the Property. The members of MR Property are Mr. Abuirshaid and Mr. Elkhayyat. Each member owns a 50% interest in MR Property.

Defendants

14. Defendant City of Horn Lake (“Horn Lake” or the “City”) is a city in DeSoto County, Mississippi.

15. Defendant Board of Aldermen is the municipal legislative body of Horn Lake.

16. Defendant Allen B. Latimer is the Mayor of Horn Lake and is named in his official capacity.

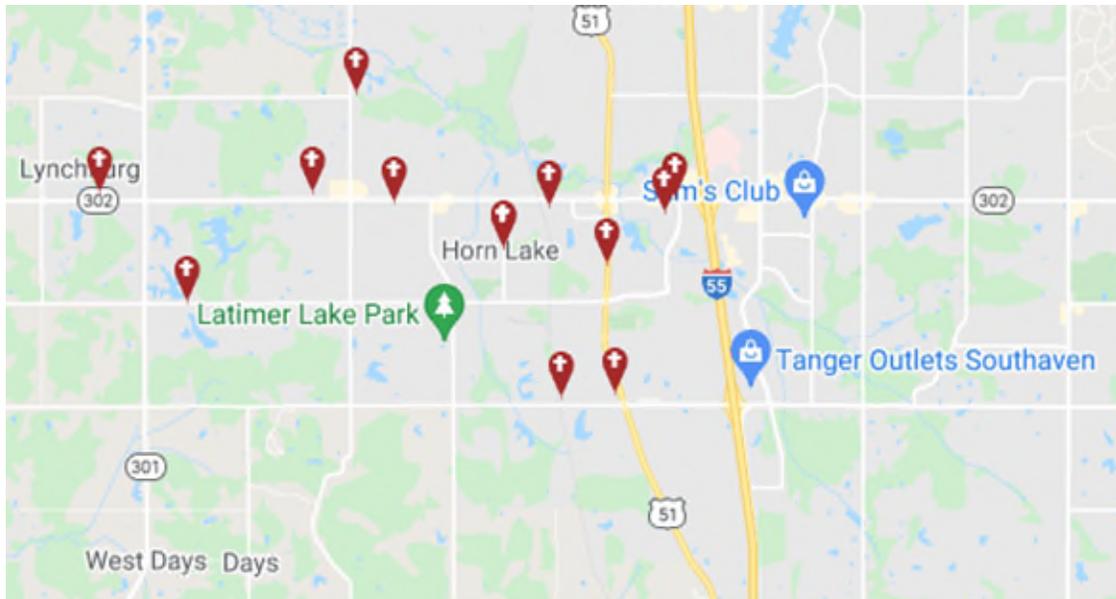
17. Defendant Planning Commission of the City of Horn Lake (the “Planning Commission”) is a municipal body whose members are appointed by the Board of Aldermen and the Mayor of Horn Lake (together, the “Governing Authority”). Horn Lake’s Code of Ordinances (the “Code of Ordinances”) empowers the Planning Commission to “[r]eview, consider, study, and make recommendations to the mayor and board of aldermen on the following items: Proposed comprehensive plans, housing plans and other plans related to the planning and management of the physical development of the city . . . Applications for subdivisions and rezoning of land . . . [and] [a]ll other matters related to the enforcement of the above listed plans, ordinances and regulations.”²

² See Code of Ordinances App. A, Art. III.

STATEMENT OF FACTS

A. Muslims in De Soto County Have No Local House of Worship

18. Horn Lake's website lists thirteen properties used principally for religious worship in the City. All are Christian churches. The map below shows the location of the thirteen churches in Horn Lake.³ There are 132 churches in DeSoto County.



19. Mr. Elkhayyat lives within walking distance of at least five Christian churches. Mr. Abuirshaid can walk to at least two Christian churches from his home.

20. There is no mosque in Horn Lake, however. Nor is there a mosque in neighboring Southaven, where Mr. Elkhayyat and Mr. Abuirshaid and their families live, or in all of DeSoto County. The nearest mosque that is open daily and offers the religious and communal activities

³ Although the map shows twelve pins, the pins for the First Assembly of God of Horn Lake Church, 6550 Camelot Road, and Vintage Church, 2761 Valleybrook Road, overlap due to their proximity to each other.

that Plaintiffs need in a religious community is in Memphis, Tennessee, a 35- to 40-minute drive away for each family.⁴

21. Although there is no mosque in DeSoto County, the County is home to a thriving community of approximately 15 to 20 Muslim families, many with young children. Other Muslims live throughout Northern Mississippi, many even farther from a mosque than Mr. Elkhayyat and Mr. Abuirshaid.

22. A mosque is critical to Islamic practice. It is a spiritual home where Muslims gather to pray communally, observe Islamic holidays, instruct their children in the tenets of the faith, and, more generally, to form a local religious community.

23. With no dedicated, sacred space in which to worship, Muslims in the area—including Mr. Elkhayyat and Mr. Abuirshaid and their families—have not been able to establish a local congregation to enjoy the type of spiritual bonds with their neighbors, as well as the type of religious community and support system, that a local church or other house of worship typically helps facilitate.

24. The absence of a local mosque has also made it difficult for Mr. Elkhayyat and Mr. Abuirshaid and their families, as well as other local Muslim families, to undertake group religious education of their children. The mosque that Mr. Elkhayyat and Mr. Abuirshaid and their families currently attend offers study of the Qur'an, religious and Arabic education for children, and summer activities for children, but it is impossible for their families to participate fully in these activities because of their distance from the mosque.

⁴ There are several other mosques in the Memphis area, but the others are generally not open daily and/or do not offer any religious and communal activities beyond prayer services. In any event, they are also in Tennessee and well outside of the Horn Lake and Southaven region.

25. In the absence of a local mosque, Mr. Elkhayyat has sent his children to attend nearby Christian churches from the age of three so that they could participate in local communal activities with their peers and learn about other faiths. Observing his children's experiences attending these churches, Mr. Elkhayyat dreamed of building a mosque nearby to allow the local Muslim community to gather close to home to engage in similar communal religious activities. He also hoped to offer his children the chance to have a more active role in their own faith. Mr. Abuirshaid similarly believes in the importance of a local mosque to his children's religious upbringing and sense of belonging. He believes that having a mosque nearby is important to teaching his children about their faith, how to read Arabic and the Qur'an, and keeping them on the correct path so that they are better Muslims, better citizens, and better people.

26. With no local mosque, engaging in sacred religious rituals is extremely difficult. For example, like many Muslims, Mr. Elkhayyat, Mr. Abuirshaid and their families believe they must attend mosque for Friday afternoon worship services, called Jum'ah. Friday is the Islamic holy day, and Jum'ah services offer the opportunity for congregational prayer and worship. But Mr. Elkhayyat, Mr. Abuirshaid, and their families are often unable to attend worship services because of the distance they must travel to reach them.

27. Nor are Mr. Elkhayyat, Mr. Abuirshaid, their families, and many other Muslims in DeSoto County able to regularly attend mosque for the five daily prayers that they are religiously required to recite. These prayers often take place at home or work, but many Muslims go to their mosque for at least some of these prayers to experience them in a communal setting and because Islam teaches that prayer in a mosque is more rewarding than prayer at home. It is, however, exceedingly difficult for Mr. Elkhayyat, Mr. Abuirshaid, and other nearby Muslims to do so on any regular basis because they have no local mosque.

28. The lack of a local mosque also impedes the ability of Mr. Elkhayyat, Mr. Abuirshaid, their families, and other local Muslim families to gather together in celebration and observance of Islamic holidays. The absence of a local mosque is particularly challenging during the holy month of Ramadan. Ramadan is a month of prayer, reflection, community, and fasting from dawn till sunset. Observing Ramadan is one of the five pillars of Islam that Muslims are called to follow. After breaking their fast at sunset with the evening *iftar* meal, Muslims commonly attend mosque for the evening prayer. Following the evening prayer, they often participate in religious classes or a communal activity at the mosque. Because Mr. Elkhayyat and Mr. Abuirshaid's mosque is 35 to 40 minutes away in Memphis, following these religious practices inevitably requires them and their school-age children to stay out late into the night, or forgo attending the mosque at all.

29. Although members of the Muslim community in DeSoto County have tried to make the best of the situation, Mr. Elkhayyat and Mr. Abuirshaid felt a religious calling to redress the problem by establishing a local mosque as a gift to the community. Charitable giving is another of the five pillars of Islam, and they felt compelled to give back to their community in this way. Moreover, Mr. Elkhayyat and Mr. Abuirshaid were motivated by Islamic teaching, which states that a person who performs a good deed that benefits others, such as forming an ongoing charity or building a mosque, will continue to be rewarded for his action for as long as it benefits others, even into the afterlife.

30. Although he had long felt called to build a local mosque, for many years Mr. Elkhayyat had lacked the resources and opportunity to do so. During Ramadan in 2018, however, he realized that he now had the financial wherewithal and time to finally make his religious calling a reality.

31. Mr. Elkhayyat also intended to establish an Islamic cemetery to accompany the mosque, though he later abandoned those plans after Defendant Planning Commission denied approval for it.

32. Mr. Elkhayyat discussed his plan with Mr. Abuirshaid, who had been considering the same idea. The two spoke with other local Muslim families about their plan. Many were supportive of the plan and offered to donate money and help raise funds from neighboring communities, encouraging Mr. Elkhayyat and Mr. Abuirshaid to proceed.

33. Mr. Elkhayyat and Mr. Abuirshaid created MR Property, LLC, using each of their first initials for its name, to purchase the land on which the mosque could be built.

34. They decided to name the mosque the “Abraham House of God” and created a 501(c)(3) for it. They chose the name “Abraham House of God” because Abraham is a common prophet and central figure in Islam and other religious traditions. The name was also a nod to the common origins of Christianity, Judaism, and Islam and represented a gesture of friendship and religious openness to the local Christian community. Because state law requires officers upon incorporation, Mr. Elkhayyat and Mr. Abuirshaid became the mosque’s initial president and vice president, and they asked their wives to serve as secretary and treasurer, respectively. Once construction is complete, Mr. Elkhayyat and Mr. Abuirshaid plan to donate the land from MR Property to Abraham House of God and let the congregation select the mosque’s leaders.

35. Defendants’ conduct has precluded Mr. Elkhayyat and Mr. Abuirshaid from carrying out their religious calling to build a mosque for the community. It also has precluded the Abraham House of God from achieving its religious *raison d’être*: to provide a physical place of worship for Muslims within and neighboring DeSoto County. And it has prevented MR Property, LLC, from putting its property to its desired use, which is permitted by right under Horn Lake’s

Code of Ordinances. Defendants' conduct was motivated by religious animus toward the Plaintiffs and Islam generally. As a result, Mr. Elkhayyat, Mr. Abuirshaid, their families, and other local Muslims remain unable to fully practice their faith.

B. Acquisition of the Property for the Abraham House of God

36. In 2019, Mr. Elkhayyat and Mr. Abuirshaid began searching for a property on which to build the Abraham House of God. Mr. Elkhayyat had a property in mind, an 80-acre parcel of land located west of Horn Lake Road, north of Church Road, and east of 4696 Church Road. A picture of the site on which they plan to build the mosque is below. Portions of the land are wooded, while others are open. The specific location of the planned mosque is well within the property, hundreds of feet from Church Road. Much of the building will be surrounded by existing trees, and the design plans call for the addition of even more trees during construction.



37. Mr. Elkhayyat had considered buying the Property roughly a decade ago to use as a farm but believed it to be too expensive at the time. When Mr. Elkhayyat and Mr. Abuirshaid learned that the Property was for sale again, they made an offer, believing that they could now acquire it for a fair price. Acting on behalf of MR Property, they negotiated and agreed on a purchase price with the owner and formally purchased the Property in 2019. Mr. Elkhayyat and Mr. Abuirshaid each paid 50% of the down payment and took out a mortgage on the Property.

38. Mr. Elkhayyat and Mr. Abuirshaid continue to ensure that monthly mortgage payments are made on the Property, as well as real estate taxes.

39. The Property is abutted by large, sparsely developed properties to the north, east, and west. Across the street is the Bonne Terre Inn, an event and wedding venue, as well as a subdivision with private homes. Less than one mile to the west, on the other side of Church Road, is the Hinds Chapel United Methodist Church. Approximately one mile to the east, at the corner of Horn Lake Road and on the other side of Church Road, is the New Bethlehem Presbyterian Church and Cemetery. The Church Road Baptist Church is less than one and a half miles east of the Property on Church Road. Horn Lake High School is less than two miles east of the Property on Church Road. A number of these large developments are extremely close to the road, often with only a parking lot between the structure and the road. Many of the local churches have cemeteries abutting them.

40. The Property was (and remains) zoned as Agricultural Residential (“AR”). Under the Horn Lake Code of Ordinances, properties located in AR districts may be used for churches by right.⁵

⁵ See Code of Ordinances App. A, Art. XII. City Planning Director Ethan Greene later confirmed this in a September 3, 2020, letter to Nicholas Kreunen, a Project Engineer for the mosque, writing

41. “Church” is defined under Horn Lake’s Code of Ordinances as “[a] building used principally for religious worship, but the word church shall not include or mean an undertaker’s chapel, funeral building, a religious educational institution or parochial school or day care center.”⁶

42. Because the property was larger than necessary for the planned religious cemetery and mosque, Mr. Elkhayyat and Mr. Abuirshaid decided that they would seek to subdivide the land so that they could also install residential homes on it. Inspired by Islamic communities they had heard about elsewhere in the country, Mr. Elkhayyat and Mr. Abuirshaid hoped that some members of the mosque community would choose to live in the subdivision so they could walk to daily prayer services, just as many Christian community members live in walking distance of their Christian churches.

43. To go forward with their planned development, Mr. Elkhayyat and Mr. Abuirshaid were aware that they would need certain approvals from the City. They would need to seek approval to subdivide the Property for (1) the proposed residential use and (2) the mosque and cemetery. In addition, while a church is permitted in an AR District by right, a cemetery is not. Thus, they would need to seek a conditional-use permit for the proposed cemetery. And finally, they would need to obtain approval of a site plan for the mosque and any other building on the Property, with the exception of single-family detached dwellings.⁷

44. Before purchasing the Property, Mr. Elkhayyat had asked a friend who knew Mayor Latimer personally to help arrange a meeting with the Mayor to discuss the project. Mr. Elkhayyat,

that “[p]er current Horn Lake zoning regulations, ‘Church’ is a use permitted by right in AR zoning.”

⁶ See Code of Ord. App. A, Art. II, B.

⁷ See Code of Ord. § 25-54.

Mr. Abuirshaid, and Mr. Elkhayyat's friend met with Mayor Latimer at the end of 2019 and showed him a sketch of the plans, which included the proposed residential subdivision, the mosque, and the cemetery. Mayor Latimer informed Mr. Elkhayyat and Mr. Abuirshaid that, as long as the plans satisfied local zoning requirements, there would not be any issues and they would be able to proceed.

45. After speaking with Mayor Latimer and purchasing the Property, Mr. Elkhayyat hired Civil Link, an engineering consulting firm to develop and draft a site plan, architectural plans, and related documents for submission to the City.

C. Mr. Elkhayyat's Application for Subdivision of the Property

46. Under the City's Code of Ordinances, the Planning Commission reviews all subdivision plans and makes a recommendation to the Governing Authority (the Mayor and the Board of Aldermen).⁸

47. The purpose of the subdivision chapter of the Code of Ordinances is to "provide for . . . minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic, utilities, firefighting apparatus, recreation, light and air, and for distribution of population and traffic."⁹ Subdivisions are required to have "the proposed water system approved by the appropriate state agency . . . large enough to furnish an adequate water supply and fire protection to every lot."¹⁰ Installation of the water system and fire hydrants are subject to the approval of the Mayor, the Board of Aldermen, and the city engineer.¹¹

⁸ See Code of Ord. App. A, Art. XI, A.

⁹ Code of Ord. § 34-1.

¹⁰ Code of Ord. § 34-61.

¹¹ *Id.*

48. A subdivision of four or more lots is considered a “major subdivision” and requires City approval.¹² The Code of Ordinances requires the developer of a major subdivision to submit a sketch plat, preliminary plat, and final plat as part of the subdivision approval process. The purpose of the sketch plat is to allow the developer to consult informally with Planning Commission staff before preparation and submission of a preliminary and final plat application to the Planning Commission.¹³ The developer is then required to submit the preliminary plat to the Planning Commission for approval. If, after the recommendation of the city engineer, the Planning Commission finds that the preliminary plat satisfies the subdivision requirements of the Code of Ordinances, it “shall approve” the preliminary plat.¹⁴ If the Planning Commission finds otherwise, “it shall specify the objections found to such plat” and may disapprove the plat or approve it conditionally upon “specific changes” being made prior to its submission to the Mayor and Board of Aldermen.¹⁵ The developer may then proceed with preparation of construction plans and the final plat “with reasonable assurance that no major changes will be required or made at a later stage of the approval process.”¹⁶

49. On July 1, 2020, Mr. Elkhayyat and MR Property submitted a preliminary “Subdivision Application” to the Planning Commission. The application requested approval for “Turkey Creek,” a residential subdivision that would include 24 lots, each designated for an entire home, and noted that the proposed land use for the Property would be “residential and Church.”

¹² See Code of Ord. § 34-25.

¹³ See Code of Ord. § 34-28(a).

¹⁴ Code of Ord. § 34-29(b).

¹⁵ Code of Ord. § 34-29(c).

¹⁶ Code of Ord. § 34-29(g).

50. On August 10, 2020, the Planning Commission held a meeting, at which the Planning Commission unanimously voted to approve the preliminary Turkey Creek Subdivision.

51. Commission members did not specify any concerns or objections about noise, traffic, water main or fire sprinkler capacity, or any other potential issues with regard to the proposed Turkey Creek Subdivision and its 24 lots. The Planning Commission approved the preliminary Turkey Creek Subdivision without any conditions or required changes.

D. Mr. Elkhayyat's Application for a Conditional-Use Permit for the Proposed Cemetery

52. On July 1, 2020, along with the Subdivision Application, Mr. Elkhayyat submitted an application for a conditional-use permit for a cemetery/memorial park on the property, noting that the Property would be used as a "Church and cemet[e]ry."

53. A conditional use is "a use that would not be appropriate generally or without restriction within a particular zone district but which . . . may be permitted within a particular zone district . . . if specific provisions for such conditional uses are made in this Zoning Ordinance."

54. Applicants for conditional-use permits must adequately address whether the use will (a) substantially increase traffic hazards or congestion, (b) substantially increase fire hazards, (c) adversely affect the character of the neighborhood, (d) adversely affect the general welfare of the City, (e) overtax public utilities or community facilities, or (f) conflict with the City's comprehensive plan.

55. The Planning Commission reviews the conditional-use application and makes a recommendation to the Governing Authority to approve or reject the application. The Planning

Commission is required to provide the Governing Authority with written findings concerning the proposed application.¹⁷

56. In a July 23, 2020, letter to Planning Director Greene, Civil Link engineer Nicholas Kreunen addressed these factors, explaining:

This conditional use will not substantially increase traffic hazards or congestions for the area. Traffic increase will be very marginal. This Cemetery will not increase fire hazards to the area in anyway. This cemetery and memorial park will not adversely affect the character of the neighborhood. . . . This use will not overtax utilities in any way. The cemetery/Memorial Park will not increase the usage of any streets, schools, or public utilities.

57. The Planning Commission staff agreed with this assessment, concluding in a July 27, 2020, report that the “proposed conditional use meets” the required criteria and recommending that the Planning Commission submit the conditional-use application to the Board of Aldermen and Mayor with a recommendation for approval.

58. In a second report prepared for the Planning Commission’s August 31, 2020, meeting, the staff again recommended approval of a conditional-use permit for the cemetery.

59. In the report, the Planning Director also alluded to complaints he had received about a mosque being constructed on the Property:

Considering the number of inquiries I have received on this packet, I want to reiterate a few things here: the only thing to consider when determining the conditional use in this case is whether a cemetery will be opposed to the nature of agricultural residential, particularly the elements listed above. This will, and you may reiterate it on public record if you’d like, in *no way* effect any future plans for approval, including commercial or multi-family. The nature of the church that could accompany this should not be considered. You will have a chance to decide that during a site plan review. This application has no bearing on churches or other religious buildings. (emphasis in original).

60. On August 31, 2020, the Planning Commission considered Mr. Elkhayyat’s application for a conditional-use permit.

¹⁷ See Code of Ord. App. A, Art. X, C.

61. Although the requested permit did not pertain to the proposed mosque, those in attendance made their opposition to a mosque known. One local resident declared that the cemetery was the “first step to an Islamic compound.” A married couple argued that “calls to prayer would be heard for miles several times a day, often early in the morning.”

62. The anti-Muslim comments made during the August 31 Planning Commission meeting echoed sentiments posted in a Facebook Group called “Turkey Creek Development,” which was formed to oppose the mosque. In one comment, a local resident wrote that the “cost [of the mosque] doesn’t matter. They get funding from overseas.” Another commenter wrote, “Its called [a] takeover . . . thats hat they do. Look at Minnesota. Look at congress.” The same resident later commented on his own post, writing, “This is wrong on so many levels. They are supposed to assimilate to our country, not us to theirs,” to which another local resident responded, “[T]hey will never assimilate. Their religion is to take over and kill the infidel. That’s us.” “Bingo,” another user responded.

63. Members of the Facebook Group also designed flyers; shared information about and encouraged attendance at the August 31 Planning Commission meeting and later Board of Aldermen meetings; and collected petition signatures to oppose the plans for the Property.

64. After hearing public comment at the August 31 meeting, the Planning Commission unanimously voted to recommend denying a conditional-use permit for the cemetery. The Commission did not provide any verbal or written explanation whatsoever for the denial. Nor did it issue written findings to the Governing Authority, as required by the Code of Ordinances.

65. After the meeting ended, a community member approached Mr. Elkhayyat and Mr. Abuirshaid outside Horn Lake City Hall with an offer to buy the land, making it clear that he did

not want a mosque built on the property. When they declined the offer, another person told them that they would only be allowed to build a mosque “over our dead bodies.”

66. The anti-Muslim sentiment expressed at the meeting, the Planning Commission’s complete disregard for the assessment of its own staff, and the Planning Commission’s failure to provide any explanation for its recommendation to deny the application, show that the Planning Commission’s vote was motivated by unsubstantiated, discriminatory fears about the mosque that would be associated with the cemetery and the Islamic faith of Mr. Elkhayyat and Mr. Abuirshaid.

67. Members of the Facebook Group applauded the decision and urged people to “keep the people in office that oppose this mosque,” expressing the concern that “they are going to continue to try to appeal and come back with new proposals. It may be shut down for now but a change in a few seats could change things for us in a bad way.”

E. Plaintiffs’ Scaled-back Plans for the Property

68. Mr. Elkhayyat and Mr. Abuirshaid were taken aback by the anti-Muslim and anti-mosque sentiment sparked by their application for a conditional use permit for a cemetery.

69. Because a church is allowed by right in AR districts, they decided to scale back their plans for the Property to include only a mosque.

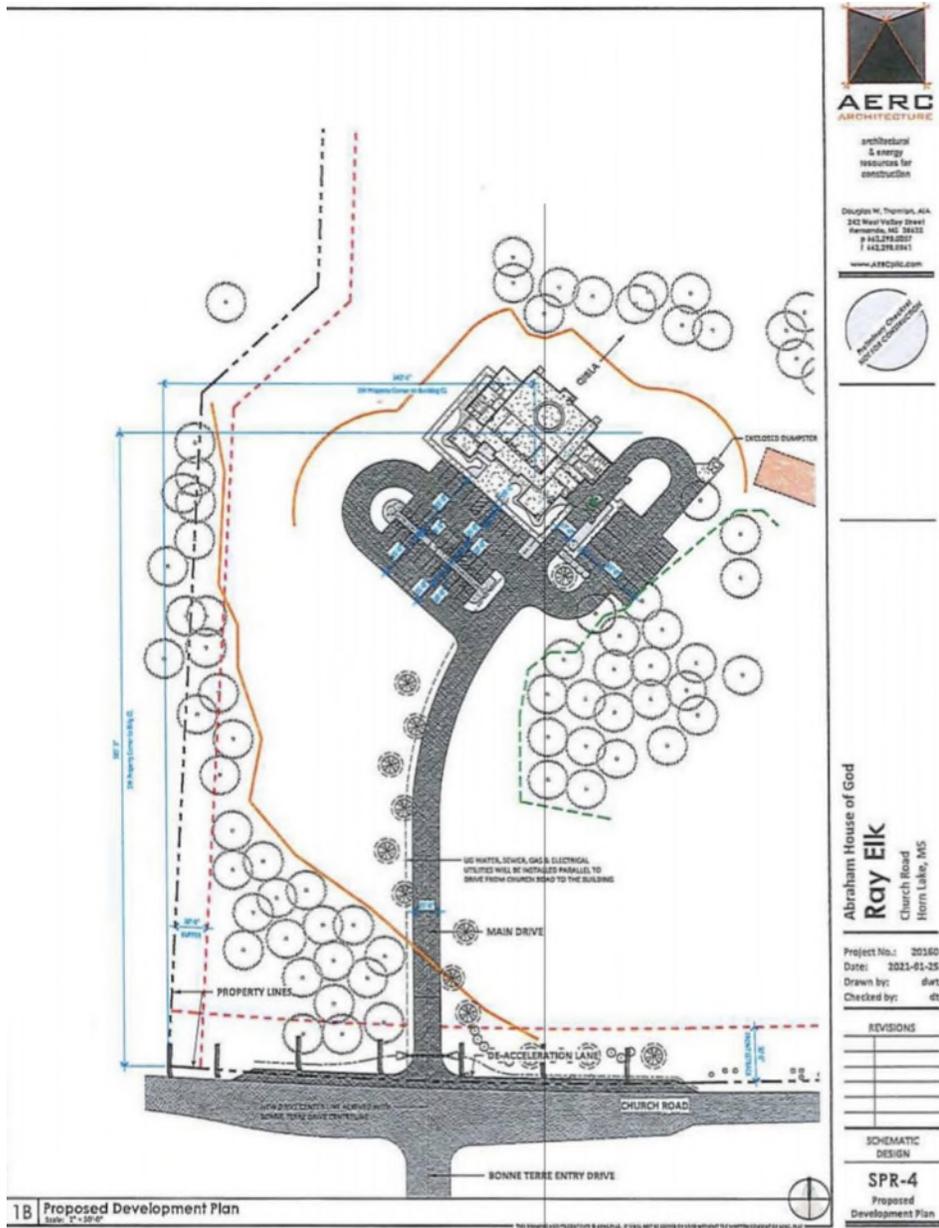
70. The architectural design for the mosque called for a 10,000 square foot building covering three of the Property’s 80 acres.

71. Anticipating that approximately 156 individuals, at most, would use the mosque during Friday services, the design plans provided for 44 parking spaces on the Property. Mr. Elkhayyat and Mr. Abuirshaid expected no more than 5-6 visitors to attend any of the other daytime prayer services because the morning prayer occurs at sunrise and children would be in school during the day. Although more people might attend the evening prayer services at sundown

and 8 p.m., they expected that attendance would be less than the main Friday prayer. A rendering of the planned mosque is below.



72. To address any purported traffic concerns, the design plans included a deceleration and acceleration lane for traffic along the southern border of the property on Church Road, which can be seen in the drawing below.



73. As shown above, the mosque will largely be screened behind existing or newly planted trees. The design plans did not include any outdoor loudspeakers or other noise-amplification features.

F. Plaintiffs' Site Plan Review Application to the Planning Commission

74. Although the proposed mosque qualifies as a church that is permitted by right in the zone where the Property is located, Mr. Elkhayyat and Mr. Abuirshaid were still required under Horn Lake's Code of Ordinances to seek approval of a site plan for the mosque.

75. In his capacity as member of MR Property LLC, the property owner, and President of the Abraham House of God, Mr. Elkhayyat filed a Site Plan Review Application with the Planning Commission on February 8, 2021.

76. In reviewing a site plan, the Planning Commission is required to determine whether the proposed development "maintains a reasonable relationship to adjacent land use, and is conducive to the proper development of the City . . . to promote the health, safety, comfort, general welfare, and prosperity of the community."¹⁸

77. The Planning Commission has the authority to impose conditions on site plan approval.

78. A Planning Commission Staff Report analyzing the Site Plan Review Application stated that "the site plan is in compliance with the zoning ordinance, as churches are permitted by right in AR." The Staff Report further noted that "the site provides for 44 parking spaces – more than the required 39 – to accommodate a maximum occupancy of 156. The proposed mosque also meets the setback requirements, natural buffering, architectural review standards, and includes deceleration lanes in both directions to mitigate traffic concerns." The Staff Report concluded that "the applicant has met or exceeded minimum requirements."

¹⁸ Code of Ord. App. A, Art. V, N.

79. On February 22, 2021, the Planning Commission considered the Site Plan Review Application.¹⁹ Douglas Thornton, the architect who designed the mosque, provided an overview of the design plans to the Commission, noting that the plans met or exceeded all legal requirements and that there would be no loudspeakers installed or used.

80. As with the Planning Commission meeting on August 31, 2020, the February 22 meeting included an unusually large audience of approximately sixty residents and devolved into a litany of veiled and explicit anti-Muslim complaints.

81. One resident claimed that “they [the Muslim applicants] are not subject to our laws, they’re subject to their laws.”

82. An adjacent property owner, emphasized that “this is being referred to as a church, which it is not. It’s a mosque. So we need to be clear about that.”

83. Multiple residents raised concerns about noise generated by outdoor loudspeakers projecting the call to prayer throughout the day, despite the fact that the site plan did not feature any outdoor loudspeakers and that Mr. Thornton repeatedly assured those in attendance that there would be no outdoor loudspeakers on the Property. One resident stated that “it is not against the law in the United States for a mosque to have loudspeakers, and all you have to do is Google and there are so many lawsuits in the United States against sound.” The resident claimed that loudspeakers on the Property would broadcast the call to prayer as early as 3:30 a.m. and as late as 10:30 p.m. Referring to a nearby public school, another local resident stated that he would “hate to see our students over there having to hear these speakers blaring down.”

¹⁹ A partial video recording of the Planning Commission meeting is available on the City’s Facebook page. See City of Horn Lake, MS, *Planning Meeting 2-22-21*, Facebook (Feb. 22, 2021), <https://fb.watch/91ccGJe65j/> (last visited Nov. 2, 2021).

84. Other residents repeatedly implied that Mr. Elkhayyat and Mr. Abuirshaid were untrustworthy, with one stating “we’ve been deceived, we’ve been lied to” and another alleging that the revisions in the site plan were “smoke and mirrors.” These residents claimed that Mr. Elkhayyat and Mr. Abuirshaid had an ulterior plan, and that the site plan was a “springboard” to building a school—presumably an Islamic religious school, or madrassa—on the Property. In reality, Mr. Elkhayyat and Mr. Abuirshaid had never submitted an application to develop a school on the Property, and a school was not before the Planning Commission for review.

85. Without presenting any evidence, an adjacent property owner stated that Church Road already struggled with traffic capacity and that the development proposed by the mosque’s site plan could grow and create traffic problems. The same resident also stated that a large subdivision would be more beneficial to the area without explaining why this subdivision would not create the traffic problems he assumed a mosque would.

86. At the end of the public-comment period, now-former Planning Commissioner Larry Ray made a motion to deny the application based on “majority rules.” Chairman Danny Klein, who has since been elected to the Board of Aldermen, suggested that the reason for the denial be “more of a safety reason for the surrounding neighborhoods,” but the motion was not amended. The Planning Commission voted unanimously to deny the application but provided no reasoning for its denial.

87. Although it had the authority to do so, the Planning Commission did not consider a conditional approval of the site plan, which would have allowed Plaintiffs to address any legitimate concerns that the Commission may have had without shutting down the project entirely.

88. In fact, the Planning Commission has previously approved site-plan applications for non-religious applicants even when the plans presented did not fully meet all requirements. In

those instances, the Commission identified any shortcomings or concerns with the plan and granted approval subject to certain conditions being met.

89. For example, at its August 26, 2019, meeting, the Commission considered Case No. 1920 for site-plan approval of an automobile repair shop to be located on a vacant property that had previously been occupied by a church. The property was zoned for “Agricultural Residential” and is located less than five miles from the Property for the proposed mosque. The repair shop site-plan application failed to include plans for drainage and stormwater. In addition, the dimensions of the parking spaces included in the plans did not comply with city standards. Nevertheless, the Planning Commission voted to approve the proposed site plan, subject to three conditions: (1) “Drainage and Stormwater [must be] addressed before a grading permit is issued”; (2) “[A] Conditional Use permit must be obtained if there is to be outside storage”; and (3) “Parking dimensions are [to be] corrected to comply with the Zoning Ordinance standards.”

90. At its July 29, 2019, meeting the Commission granted site-plan approval for an Adult Independent Living Facility to be located about five miles away from the Property for the proposed mosque. The proposed facility included two four-story buildings, with 100 units each, for a total of 200 units. Although Horn Lake law requires 400 parking spaces to be allocated for a project of this size, the site plan noted that only 356 spaces would be available. Nevertheless, the Commission voted in favor of the site plan, subject to two conditions—that, before approval of “Construction Drawings,” the applicant apply for variances “for deficiency in parking” and “Building Height.”

91. At its January 27, 2020, meeting the Commission approved a proposed site plan for an industrial warehouse, despite significant, well-documented traffic concerns at the location. After a Commissioner asked “if it would be doable to add a deceleration lane between the two

entrances” for the warehouse, the applicant agreed to do so. The Commission then voted unanimously to approve the site plan, as long as “[a] deceleration lane, between the two entrances on Nail Rd., is added to the site plan and will be subject to City Engineer approval.”

92. Like its denial of a conditional-use permit for the religious cemetery, the Planning Commission’s decision to outright deny approval for the mosque site plan was not motivated by any compelling, or even legitimate, concerns. Instead, it was based on anti-Muslim animus.

G. Appealing the Planning Commission’s Decision to the Board of Aldermen

93. Planning Commission decisions regarding site-plan applications are final unless appealed to the Governing Authority within ten days of the decision. The Governing Authority has “final authority with regard to all matters involving the Zoning Ordinance,” including hearing and deciding appeals from Planning Commission actions.

94. Following the Planning Commission’s denial of approval for the site plan, the Abraham House of God and Mr. Elkhayyat appealed the decision to the Board of Aldermen.

95. Some residents communicated with the Mayor in advance of the meeting to express their opposition. For example, on March 1, 2021, a resident sent an email to the Mayor stating: “I hope that all members of the Horn Lake Board understand that this is a Muslim Mosque. It is not a Church by any definition and it will be used by Muslims. I am not trying to tread on the freedom of religion or discriminate because of any one religion, however this project will not benefit Horn Lake or the majority of its citizens.” That same email, purporting to rely on the teachings of the prophet Mohammad, added: “[T]he Christian must be aware that a Muslim can practice lying to advance Islam.” In an earlier email in the chain, dated February 26, 2021, the same resident declared: “We do not want our community fostered into a [M]uslim community and that is what will happen.” Mayor Latimer responded to the email by thanking the resident and describing the email as “informative.”

96. The Board heard the appeal at its meeting on April 20, 2021.²⁰ Approximately 80 residents attended the meeting—far more than usual.

97. At the meeting, Barry Bridgforth, an attorney retained by Mr. Elkhayyat, MR Property, and the Abraham House of God, emphasized that a church, as defined by the City Code of Ordinances, is a permitted use by right on an AR-zoned property. Mr. Bridgforth also reminded the Aldermen that the February 22 Planning Commission Staff Report had concluded that the mosque site plan met all Horn Lake requirements for parking, travel, setbacks, and zoning.

98. As he did at the Planning Commission, Mr. Thornton then provided an overview of the design plans for the mosque. In response to questions from Mayor Latimer and others regarding traffic, he pointed to the acceleration and deceleration lanes featured in the site plan. The design matched a similar measure that the Bonne Terre Inn, the event and wedding venue across the street from the Property on Church Road, had taken to alleviate any traffic concerns.

99. During Mr. Thornton's presentation, Alderman John E. Jones, who has since stepped down from the Board, asked about fire sprinklers and declared, out of the blue (the subject had not come up previously), that the "water there is not sufficient to sprinkle that building." He offered no evidence to support this claim, and neither the Planning Commission staff nor the Planning Commission had raised any concerns about the City water main's ability to sufficiently support fire sprinklers in the building. The Planning Commission also had not raised any water capacity concerns with regard to the Turkey Creek Subdivision it had preliminarily approved, which would have involved many more buildings (24 homes were proposed).

²⁰ A video recording of the Board of Aldermen meeting is available on the City's Facebook page. See City of Horn Lake, MS, *Board Meeting 4-20-21*, Facebook (Apr. 20, 2021), <https://fb.watch/91cgo2iZLi/> (last visited Nov. 2, 2021).

100. Mr. Thornton responded that the building would “get water from the mains” and that the builders would “look at bringing in the proper main” — a standard way of bringing water to a property. But Alderman Jones again dismissively insisted, with no evidence, that “[t]he water mains that are there are not sufficient to support that building there, period.” Alderman Jones also stated, without citing any evidence, that the mosque site plan would violate local noise ordinances.

101. As Mr. Elkhayyat took over answering questions, Alderwoman LaShonda Johnson asked him about expected noise on the Property. Mr. Elkhayyat explained that the mosque would not generate any outdoor noise and compared it to a Christian church, in which a priest or minister would be inside leading prayer services but noise would not travel outside the building, which itself would be hundreds of feet from the road and significantly further from any structure on any neighboring property. Mr. Elkhayyat confirmed that there would be no loudspeakers and that the call to prayer would not be broadcast outside of the mosque.

102. Mr. Elkhayyat also explained that he did not expect traffic to increase significantly due to the mosque. As he noted, the most traffic to be expected at any time would be during the main Friday prayer service from 12 p.m. to 1 p.m., when 30-40 cars, at most, would enter and exit the Property via the acceleration and deceleration lane. The rest of the day, there would be no more than five or six people entering and exiting for any one prayer service. Mr. Elkhayyat contrasted this number to the formerly planned Turkey Creek subdivision, which had received preliminary approval from the Planning Commission. He estimated that the residential subdivision would have led to substantially more cars going in and out of the Property on a regular basis throughout the day.

103. Alderman Donnie “Chigger” White, who has since stepped down from the Board of Aldermen, next questioned Mr. Elkhayyat about his future plans for the Property. Mr. Elkhayyat

explained that he had no other plans for the rest of the Property for the next four to five years. Alderman White responded: “That’s strange, 79 acres to put a three-acre church on, you know, that’s not very good business there.” He further asserted that Mr. Elkhayat “must have something on the horizon that [he is] not wanting us to know about.” The community members in attendance burst out in applause.

104. Though he had no legal obligation to do so, Mr. Elkhayat offered to guarantee in writing that they would dedicate the entire acreage of the Property to the mosque and that they would not develop anything else on the Property within the next four to five years. And Alderwoman Johnson explained to those in attendance that, even if Plaintiffs were to plan other buildings for Property beyond the mosque, they would not be able to do so without further approval from the City.

105. After Mr. Thornton and Mr. Elkhayat finished answering questions, Alderman Jones made a motion to deny approval for the site plan. He offered not a single reason in support of the motion. City attorney Billy Campbell then interrupted before the Board could vote, but after the motion had been seconded by Alderman White, and advised that the motion should include one or more reasons for the denial. Alderman Jones then offered three reasons for denial, citing noise, water supply, and traffic hazards—all of which were either unsubstantiated or addressed by the proposal. He then concluded his motion with a fourth reason: “We’ve got a school right down the road. They say that they’re not going to do this, but they’ve got lawsuits all over the country that are unsettled because of the noise. *And if you let them build it, they will come. So I think we need to stop it before it gets here.*”

106. Alderman White renewed his second of the motion. The Board then approved the motion to deny the site plan, with five Aldermen voting to reject the appeal and only Alderwoman Johnson voting in favor of the appeal.

107. The Board's final written order, dated April 20, 2021, and signed by Mayor Latimer, stated that the Board had affirmed the "Planning Commission decision . . . for denial of the site plan for the Abraham House of God because the proposed use will violate the city's noise ordinance, the water main serving the property is not of sufficient size and has insufficient pressure to sprinkle the proposed building, and due to increased traffic hazards." It omits mention of the fourth, and one genuine, reason given for denial: "*[I]f you let them build it, they will come. So I think we need to stop it before it gets here.*"

108. The Board did not present any evidence to support the reasons cited in its order affirming the Planning Commission's decision.

109. The Abraham House of God mosque would not violate any city noise ordinance.

110. The Abraham House of God mosque would be able to adequately ensure that its fire sprinklers are operable and compliant with all relevant codes.

111. The Abraham House of God mosque would not pose a traffic hazard.

112. Even if any of these concerns were genuine and legitimate, the Board could have issued a conditional approval for the site plan and required Plaintiffs to address any concerns to the Board's satisfaction. Instead, the Board outright denied approval for the site plan.

113. The Board's unsubstantiated reasons for denial of the site plan were pretextual. The Board's decision was based on an anti-Muslim animus and discrimination.

114. Following the Board's decision, a member of the "Turkey Creek Development" Facebook Group shared an article from a website praising Horn Lake for shutting down the

proposed mosque. The member wrote “since CAIR [Council on Islamic Relations] is involved you know the mosque will be terrorist recruiting . . . they lie constantly.” Alderman Michael Guice, who voted to deny the appeal, was a member of the Facebook group; he was periodically tagged in posts by other members, and he commented on various posts.

115. Moreover, following the denial of the site-plan application, Alderman Jones told The Commercial Appeal newspaper: “I don’t care whether it’s federal law or violation of whatever, the thing is it’s unsafe for the people to build that mosque there. It’s grossly out of character for that neighborhood. It’s dangerous for the traffic to be on that road. Nobody wants the noise that’s gonna come with it.” He added: “I don’t care what they say, their religion says they can lie or do anything to the Jews or gentiles because we’re not Muslims.” Alderman Jones further stated: “The bottom line is there are people we’re still in war with over there that are Muslim and we’ve got people coming back, vets from over there, that don’t want to see that stuff, don’t want to hear that stuff, don’t want to be reminded of it.”

116. Two days after the vote to block the proposed mosque, Alderman Charlie Roberts, who has since been voted out of office, had a change of heart after visiting a mosque in nearby Memphis. Alderman Roberts told the Mississippi Free Press that he had overheard another Alderman saying publicly “[w]e don’t want those people here.” Alderman Roberts admitted that the Board had “stepped over the line” by discriminating against Plaintiffs “because they’re Muslims.” Alderman Roberts subsequently phoned Mr. Elkhayyat to apologize for the manner in which the Board had treated Mr. Elkhayyat and for voting against the site plan for the mosque. He also texted with Mr. Elkhayyat, including the following message:

M-Muslims
D-Deserve
W-Worship

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**Violation of RLUIPA, 42 U.S.C. § 2000cc(a)
(Substantial Burdens)**

117. Paragraphs 1 through 116 are incorporated by reference as if set forth fully herein.

118. Under Section 2000cc(a)(1) of RLUIPA, the government may not “impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.”

119. In denying approval of the February 8, 2021, Site Plan Review Application for the Abraham House of God mosque, Defendants have substantially burdened Plaintiffs’ religious exercise.

120. This substantial burden is imposed through the “implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.” *See* 42 U.S.C. § 2000cc(a)(2)(C).

121. This substantial burden affects, or the removal of it would affect, interstate commerce. *See id.* § 2000cc(a)(2)(B).

122. The substantial burden imposed by Defendants is not in furtherance of a compelling governmental interest, and even if it were, it is not the least restrictive means of furthering that interest.

123. Plaintiffs are entitled to declaratory and injunctive relief under this section of RLUIPA.

SECOND CAUSE OF ACTION

**Violation of RLUIPA, 42 U.S.C. § 2000cc(b)(2)
(Nondiscrimination)**

124. Paragraphs 1 through 123 are incorporated by reference as if set forth fully herein.

125. Under Section 2000cc(b)(2) of RLUIPA, “[n]o government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.”

126. Defendants have violated this section of RLUIPA by imposing and implementing a land use regulation that intentionally discriminates against Plaintiffs on the basis of religion.

127. Defendants’ denial of site-plan approval for the mosque was based on anti-Muslim animus.

128. Plaintiffs are entitled to declaratory and injunctive relief under this section of RLUIPA.

THIRD CAUSE OF ACTION

**Violation of RLUIPA, 42 U.S.C. § 2000cc(b)(3)(B)
(Unreasonable Limitation)**

129. Paragraphs 1 through 128 are incorporated by reference as if set forth fully herein.

130. Under Section 2000cc(b)(3)(B) of RLUIPA, the government may not impose or implement a land use regulation in a manner that “unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.”

131. Defendants have violated this section of RLUIPA by implementing a land use regulation that unreasonably limits a religious structure—the proposed mosque—in a zone where churches are permitted by right.

132. Plaintiffs are entitled to declaratory and injunctive relief under this section of RLUIPA.

FOURTH CAUSE OF ACTION

**Violation of RLUIPA, 42 U.S.C. § 2000cc(b)(1)
(Equal Terms)**

133. Paragraphs 1 through 132 are incorporated by reference as if set forth fully herein.

134. Under Section 2000cc(b)(1) of RLUIPA, the government may not “impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.”

135. Defendants have violated this section of RLUIPA by implementing land use regulations in a manner that treats Plaintiffs on less than equal terms than comparable nonreligious assemblies or institutions that have sought approval from the Planning Commission and/or Board of Alderman.

136. Plaintiffs are entitled to declaratory and injunctive relief under this Section of RLUIPA.

FIFTH CAUSE OF ACTION

**Violation of the First and Fourteenth Amendments
Free Exercise Clause
(42 U.S.C. § 1983)**

137. Paragraphs 1 through 136 are incorporated by reference as if set forth fully herein.

138. Under the Free Exercise Clause of the First Amendment of the United States Constitution, as incorporated through the Fourteenth Amendment, a state or any political subdivision thereof may not prohibit the free exercise of religion.

139. Under the Free Exercise Clause, strict scrutiny applies to government conduct that “discriminates against some or all religious beliefs or regulates or prohibits conduct because it is

undertaken for religious reasons.” See *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993).

140. In committing the acts alleged above, the City, Board of Aldermen, Mayor, and Planning Commission were acting under color of state law.

141. Defendants’ denial of site-plan approval for the mosque was based on anti-Muslim animus. Defendants discriminated against Plaintiffs because the proposed building at issue is associated with the Islamic faith and Islamic religious practice.

142. Defendants’ denial of site-plan approval does not meet strict scrutiny: It does not further a compelling interest, and it is not narrowly tailored to achieving a compelling interest.

143. Plaintiffs have suffered injury as a result of the improper and unconstitutional actions of the City, Board of Aldermen, Mayor, and Planning Commission.

144. Plaintiffs are entitled to declaratory and injunctive relief in accordance with Section 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment in their favor and the following relief:

- A. An order finding and declaring that Defendants’ denial of approval of the February 8, 2021, Site Plan Review Application for the Abraham House of God mosque violates RLUIPA and is, therefore, null and void;
- B. An order finding and declaring that Defendants’ denial of approval of the February 8, 2021, Site Plan Review Application for the Abraham House of God mosque is unconstitutional under the First Amendment and Fourteenth Amendment to the U.S. Constitution and is, therefore, null and void;
- C. A permanent injunction ordering Defendants to grant, forthwith and no more than 10 days from the date of the Court’s Order, approval for the February 8, 2021, Site Plan Review Application for the Abraham House of God;
- D. An award of attorneys’ fees and costs of suit pursuant to 42 U.S.C §§ 1920 and 1988 in an amount to be determined by the Court; and

E. An award for such other and further relief as this Court shall deem just and proper.

Dated: November 3, 2021

By:/s/ Landon Thames _____

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