

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DAVID B. CHANDLER,
BRUCE BREUNINGER,
and LESLIE LEE GRAY, JR.,

Plaintiffs,

v.

THE FOREST SERVICE OF THE
U.S. DEPARTMENT OF AGRICULTURE;
ROBERT HEIAR, in his official capacity
as Supervisor of Allegheny National Forest;
RICHARD HATFIELD, in his official capacity
as Bradford District Ranger; *and*
BRIAN SKAGGS, in his official capacities as
as Incident Commander and Special Agent, USFS-LEI

Defendants.

Case No.: 1:26-CV-166

Judge: Susan Paradise Baxter

FILED

JUL 02 2026

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

**PLAINTIFFS' EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER**

NOW COME Plaintiffs *pro se* David B. Chandler, Bruce Breuninger, and Leslie Lee Gray Jr., and respectfully move the Court to enjoin the Defendants USDA Forest Service and above-named Officials from continuing to deny special use authorization for the Rainbow Gathering underway in Allegheny National Forest, and to restrain persistent harassment of participants, and other retaliatory actions to impede and deter peaceful assembly on public land. By that denial Defendants have made the gathering illegal, deemed an "Unauthorized Group Use Incident", to fabricate the pretext for draconian police tactics and targeted enforcement.

Time is of the essence, as these actions are currently taking place, and the exercise of constitutional rights of association, cooperation, expression and prayer are immediately burdened and at-risk. For brevity, fact statements in the accompanying Complaint and supporting Memorandum are included here by reference. For clarity, it suffices to set forth the emergent crisis on the ground, the earnest and creative actions of the Plaintiffs, their unique standing for immediate relief, and the fitting and reasonable remedies requested.

1. Early gathering volunteers converged in the region around June 10 to counsel and consense on the preferred site. Defendant Hatfield, the district ranger came to the circle on June 12 to discuss the prospects and what was required. They directly requested an Operating Plan to authorize the gathering and enable cooperation. He responded that no operating plan could be issued unless a Group Use permit was signed – which no one could legally do.

2. The trap was set: By June 15 Forest officials declared the Gathering an “Unauthorized Group Use Incident”, then escalated hostile actions on the roads and on site. On June 17 LEO’s seized temporary water lines from the filtration system, endangering public health and safety, and commenced invasive patrols and late-night incursions in the camps, to create fear.

3. Seeing the devolving situation, plaintiffs and allies conferred on the need for an operating plan, and how to force the issue: On June 22–23, five individuals including Plaintiffs submitted “Volunteer Service Agreements” (OF301a) requesting an Operating plan to authorize the gathering and offering to assist, in accord with special use requirements. 36 CFR 251.54(b). Their applications were promptly rejected by the Defendant District Ranger – by rule a final agency action within 48 hours, subject to judicial review: Plaintiffs have standing to take it to court for proper remedies. 36 CFR 251.54(g)(3)(ii)(H)

4. Plaintiffs request the following simple but urgent relief:

a. Issue an emergency Temporary Restraining Order to Grant an Operating Plan authorizing the 2026 Rainbow Gathering in Allegheny National Forest, as duly requested by Plaintiffs and other attendees, retroactively and through clean-up, July 1-21, 2026.

Operating Plans are a lawful means of special use authorization, appropriate for public assembly as an expressive use of public lands. 36 CFR 261.1a.

b. Order the return of waterlines seized by USFS law-enforcement, for the protection of public health and safety, the opening of viable parking areas that were arbitrarily closed, and restraint of intimidating camp raids and targeted enforcement without probable cause.

5. Plaintiffs meet the applicable tests for issuance of a TRO:

- Plaintiffs and those assembled endure ongoing and increasing irreparable harms, and are damaged in their rights to associate freely with others, to assemble peaceably, and to engage in expression and prayer distinctive to consensual gatherings on common ground.
- Plaintiffs stand in imminent harm with no other remedy at law, and seek redress under the protections of the First, Fourth, and Ninth Amendments to the United States Constitution, as made applicable to Defendants by the due process clause of the Fourteenth Amendment thereto; of Sections 701, 702, 703, and 706(2)(b) of Title 5 of the United States Code; of Sections 2201, 2202, and 2412 of Title 28 of the United States Code; and of Sections 1983 and 1988 of Title 42 of the United States Code.
- The public interest will be served by the issuance of this Temporary Restraining Order, assuring that special use authorization is not foreclosed to a broad class of unaffiliated speakers, denied by bias against the content or creed expression, or by fiat of misconstrued rules.
- Legitimate government interests are not impaired, but enhanced by cooperation with citizens

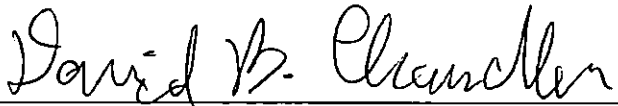
in protecting public health, safety, resources, and rights under a sensible Operating Plan.

The brief duration of a TRO is fitting to the purpose of protective remedies for a transient public gathering, effective for a few weeks in accord with the need.

- In this action, Plaintiffs are likely to prevail on the merits of modest claims for remedies in a public land regulation with clear historical and facial flaws, and evidence in the case record demonstrating sensible and sustainable revisions in the public interest.

WHEREFORE Plaintiffs respectfully request that this Court grant and issue a Temporary Restraining Order on an emergency basis as proposed, and such other and further relief as this Court may deem just and proper.

Respectfully submitted,



David B. Chandler, Pro Se Plaintiff
6 Georgian Circle – Newark, DE 19711
302-690-5565 dbc@udel.edu

Bruce Breuninger, Pro Se Plaintiff
1 W. Walnut St. – Richwood, WV 26261
954-494-0018 zenosdome@gmail.com

Leslie Lee Gray Jr., Pro Se Plaintiff
24110 Farm Hill Dr. – Spring, TX 77373
281-788-8082 LesGray83@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on _____, a true and correct copy of the foregoing
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
was served upon all counsel of record via []:

COUNSEL FOR DEFENDANTS: _____

[ADDRESS] [EMAIL]: _____