

A GUIDE TO THE CASE OF

Olivier v. City of Brandon

DECEMBER 3, 2025



Muzzling the Gospel

Gabriel (Gabe) Olivier is a Christian who is passionate about his faith and obliged to tell others about the hope and love he has found in Jesus Christ. He often stands in public places near well-attended events where he can peaceably share the gospel with as many people as possible. However, the City of Brandon in Mississippi took a dim view of Gabe and others when evangelizing in a park near its new amphitheater, a venue the city built to host concerts. To keep patrons of these events from being exposed to this type of messaging, the city passed an ordinance that labels religious speech, whether communicated through oral dialogue, signs, literature, expressive clothing, or one-on-one conversations, as a “protest” or “demonstration,” and banishes the expression to a remote 10x10 box that sits some 100 yards away from meaningful pedestrian traffic.

Gabe and his small group walked to the designated “protest zone” where the city would have them stand and evangelize. They quickly surmised that the space was unworkable because no one could hear or see them while confined to the box, much less converse with or accept literature from them, rendering their outreach efforts useless. Gabe and his group then moved closer to the park where they could interact with attendees. But since this practical evangelism ran counter to the ordinance, a police officer soon arrested Gabe for violating the law and took him away in a squad car. He pled “no contest” to the charge—which was not an admission of guilt—and paid the \$304 fine. However, he wanted to go back to tell others about Jesus. The arrest and fine did not squelch his passion for the gospel, and he was convinced that the ordinance trampled on his constitutional freedoms.

Gabe later challenged the city’s ordinance in federal court hoping to avoid a future altercation with the police. But shockingly, the district court dismissed his constitutional claim without even considering its merits. A Fifth Circuit panel, on appeal, affirmed the lower court, and the entire Fifth Circuit declined to hear the case by a 9 to 8 vote. These courts relied on a U.S. Supreme Court case, *Heck v. Humphrey*, that held a prisoner could not bring a constitutional claim challenging verdict or sentencing and must instead turn to a form of relief known as habeas corpus—a recourse only available for prisoners—so as not to overturn the guilty verdict of the state criminal court. The reliance was misplaced. Gabe was never a prisoner and therefore never had the opportunity to pursue habeas corpus. Additionally, he seeks forward-looking relief against the ordinance so he can share the gospel without restraint in the future.

Gabe Olivier was effectively denied his day in court. As a result, First Liberty and the law firm Gibson Dunn, petitioned for, and obtained a hearing the before the Supreme Court of the United States where oral argument will be made asking the justices to let Gabe’s challenge to the unconstitutional ordinance proceed. Kelly Shackelford, President, CEO, and Chief Counsel for First Liberty Institute, said, “Every American has First Amendment rights to free speech; and every American has a right to their day in court. Both of these rights were violated for Gabe Olivier. The Supreme Court will now decide whether those rights will be protected for all Americans.”

Our Position

We are asking the Supreme Court to allow Gabe to go forward with his lawsuit to declare the City of Brandon's ordinance unconstitutional and refrain from ever censoring his speech again.

The lower courts wrongly denied Gabriel the opportunity to assert his constitutional rights in court based on a misreading of the *Heck v. Humphrey* decision. There, the Supreme Court ruling prevents a person from suing for damages under a civil rights claim if a successful lawsuit would necessarily imply the inaccuracy of the plaintiff's existing conviction or sentence. The *Heck* doctrine should have no effect on Gabe's case—his right to keep an unconstitutional ordinance from censoring his speech in the future. He's not trying to revisit the verdict or get reimbursed for the fine. Gabe only wants to regain his constitutional right to free speech and free exercise of religion.

Eight judges on the Fifth Circuit panel agreed that nothing in the *Heck* decision prevents Gabe from making his case for future relief from the unconstitutional ordinance. We believe the Supreme Court Justices should see it the same way and rule in his favor.

Why does this case matter?

Constitutional rights mean little if we cannot assert them in court. We need the Supreme Court to bring clarity to a *Heck* precedent that is being wrongly applied to keep people from enjoining unconstitutional laws that persist in violating their rights. Everyone deserves their day in court, especially when First Amendment rights are at stake.