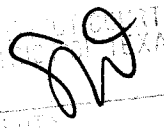


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2020 APR 23 PM 3:39
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: 

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. A-20-CV-433

BOARD OF SECURITIES AND
FINANCIAL SERVICES, and

JOHN DOE, *a/k/a* Brian Vance,

Defendants.

**TEMPORARY RESTRAINING ORDER AND ORDER TO
SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

This matter comes before the Court on the United States' Motion for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue (the "Motion"). Upon consideration of the Motion pursuant to 18 U.S.C. § 1345, the Complaint for Temporary Restraining Order and Preliminary and Permanent Injunctions (the "Complaint"), and the Declaration of FBI Task Force Officer Rani Sabban, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this case, there is good cause to believe that it will have jurisdiction over all the parties, and venue in this district is proper.
2. There is probable cause to believe that Defendant Board of Securities and Financial Services and Defendant John Doe are violating and, unless enjoined, will continue to violate 18 U.S.C. § 1343.
3. The domain name www.bsecfins.org, which is registered by NameCheap, Inc., 4600 East Washington Street Suite 305, Phoenix, AZ 85034, is being used as an instrumentality of Defendants' crimes.

4. Injunctive relief to protect the public interest is expressly authorized by 18 U.S.C. § 1345. Therefore, neither a specific finding of irreparable harm, a showing of the inadequacy of other remedies at law, nor a balancing of the parties' interests is necessary before the Court can issue a temporary restraining order. Even so, the Court finds that permitting Defendants to continue to perpetrate the alleged wire fraud would constitute irreparable harm and that the balance of the equities and the public interest weigh in favor of injunctive relief.

5. The statutory conditions for granting a permanent or temporary injunction or restraining order under 18 U.S.C. § 1345 are therefore satisfied.

6. Defendants' violations of 18 U.S.C. § 1343 will continue unless a temporary restraining order is issued.

Accordingly, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 1345 and Federal Rule of Civil Procedure 65, the United States' Motion for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue is GRANTED.

IT IS FURTHER ORDERED that Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them, are enjoined, pending a hearing on the United States' application for a preliminary injunction, from:

- (A) committing wire fraud, as defined by 18 U.S.C. § 1343;
- (B) falsely identifying themselves as a federal, state, or local regulator;
- (C) maintaining and doing business through the use of the domain www.bsecfins.org or any other website that purports to identify Defendants as a federal, state, or local regulator;
- (D) destroying business records related to Defendants' business, financial, or accounting operations; and

(E) taking actions designed to interfere with any additional Court orders regarding the domain www.bsecfins.org.

IT IS FURTHER ORDERED that NameCheap, Inc., upon receiving notice of this Order, shall take such steps as are necessary to prevent the public from accessing Defendants' www.bsecfins.org website, and shall impose a registry lock on the www.bsecfins.org domain name and lock any accounts associated with it to prevent any change, transfer, or deletion of such domain name or accounts without the previous authorization of this Court.

IT IS FURTHER ORDERED that the United States shall serve this Order and all other filings in this action on Defendants by email addressed to compliance@bsecfins.org, inquiries@bsecfins.org, and brian.vance@bsecfins.org. Such service shall be considered legally sufficient for purposes of providing any notice required by Federal Rule of Civil Procedure 65.

IT IS FURTHER ORDERED that this temporary restraining order shall remain in force until the 7th day of May, 2020, at 3:15 p.m., or until such later date as may be extended by the Court or agreed upon by the parties. Pursuant to Federal Rule of Civil Procedure 65(d),

Defendants shall appear telephonically before this Court on May 7, 2020, at 2:00 p.m. for a hearing to show cause, if there is any, why the preliminary injunction

requested by the United States should not be granted. Defendants shall serve and file any

response to the application for a preliminary injunction on or before May 4, 2020, at 4:00 p.m.

and the United States shall serve and file any reply on or before May 6, 2020, at 4:00 p.m.

IT IS FURTHER ORDERED that, pursuant to 18 U.S.C. § 1345(a)(3) and Federal Rule of Civil Procedure 65(c), the United States shall not be required to post security for this action.

SO ORDERED, this the 23rd day of April, 2020, at 3:20 p.m.


UNITED STATES DISTRICT JUDGE