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2020 MAY -7 PM 2:17

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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.

**ORDER GRANTING THE UNITED STATES'
APPLICATION FOR PRELIMINARY INJUNCTION**

This matter comes before the Court on the United States' application for a preliminary injunction pursuant to 18 U.S.C. § 1345. Following a hearing on the application, and upon consideration of the entire record in this case, 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. Defendants Board of Securities and Financial Services and John Doe were given legally sufficient notice under Federal Rule of Civil Procedure 65 of the United States' application and the preliminary injunction hearing. Defendants had an opportunity to respond to the United States' application and to be heard in opposition.
3. Defendants did not file a response in opposition to the United States' application for a preliminary injunction, nor did they appear at the hearing. As a result, Defendants have waived their right to respond to the United States' application.

4. The undisputed evidence presented by the United States establishes that there is probable cause to believe that Defendants are violating and, unless enjoined, will continue to violate 18 U.S.C. § 1343.

5. 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.

6. 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 preliminary injunction. 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.

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

8. Defendants' violations of 18 U.S.C. § 1343 will continue unless a preliminary injunction 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' application for a preliminary injunction 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 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 continue to prevent the public from accessing Defendants' www.bsecfins.org website. NameCheap, Inc. shall also serve a copy of such Order upon Defendants by email to the email address associated with the www.bsecfins.org account and shall promptly notify counsel for the United States in writing once such service has been accomplished.

IT IS FURTHER ORDERED that this preliminary injunction shall remain in force until a final judgment or order is issued in this matter, unless otherwise modified in writing by the Court.

Finally, 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 7th day of May, 2020, at 2:10 p.m.


UNITED STATES DISTRICT JUDGE