

Liberty Counsel Continues Legal Fight for US Marine Captain Denied Religious Freedom

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Liberty Counsel filed the answer brief to the Eleventh Circuit Court of Appeals on behalf of a United States Marine Corps captain who was granted a preliminary injunction because he faced punishment after the military rejected his appeal from a denial for a religious accommodation from the shot mandate.

The Department of Defense (DOD) has requested the appeals court reverse his preliminary injunction granted by federal Judge Steven Merryday.

The U.S. Marine Corps previously ordered the captain to accept the COVID vaccination no later than March 3, 2022 or face “punitive and/or administrative action.” The Marine Corps then extended the time within which USMC captain must undergo vaccination and on March 28, 2022, ordered the USMC captain to undergo vaccination not later than April 1, 2022.

The preliminary injunction enjoins the Department of Defense (DOD) and the respective military branches “(1) from enforcing against USMC captain any order or regulation requiring COVID vaccination, (2) from separating USMC captain from the Marine Corps and (3) from any retaliatory action against USMC captain as a result of, or arising from, USMC captain’s requesting a religious accommodation, appealing the denial of a request for religious accommodation, or pursuing this action or any other action for relief under Religious Freedom Restoration Act (RFRA) or the First Amendment.”

This USMC captain enlisted in the United States Marine Corps in 2014, graduating from recruit training in March 2015. After serving with a Law Enforcement Battalion and earning his undergraduate degree, USMC captain was selected for Officer Candidate School, and commissioned as a second lieutenant in 2016.

After graduating from The Basic School, he attended the Military Police Basic Officer Course, with his first duty assignment at a Marine Corps Law Enforcement Battalion as a Platoon Commander. He has attended courses in Norway and commanded a Military Police Integrated Company during a NATO Exercise and has been deployed in several locations, including Africa.

USMC captain desires to continue serving in the Marine Corps, consistent with his Islamic religious beliefs that require him to abstain from participation in that which is haram—forbidden—including the destruction and commoditization of innocent human life as exemplified by the commercial use of human fetal cell lines derived from abortions.

Liberty Counsel Founder and Chairman Mat Staver said, “This U.S. Marine Corps captain was unlawfully denied a religious exemption from the shot mandate and Judge Merryday protected his religious freedom. Liberty Counsel is honored to continue this legal fight for this courageous service member who is defending our nation.” {eo}

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