

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUKHBIR SINGH TOOR, et al.,

Plaintiffs,

v.

DAVID H. BERGER, et al.,

Defendants.

Civil Case No. 22-1004 (RJL)

PRELIMINARY INJUNCTION

(April 18, 2023) [Dkt. #85]

On December 23, 2022, the United States Court of Appeals for the D.C. Circuit issued an opinion and entered judgment in this matter directing “prompt entry of a preliminary injunction requiring the Marine Corps to allow [Plaintiffs] Jaskirat Singh and Milaap Chahal to enlist” in the Marine Corps “without shaving their heads or beards and while bearing those articles of faith that the Government failed to argue against on appeal.” In addition, the Court of Appeals ordered “further consideration” of Plaintiff Aekash Singh’s “request for a preliminary injunction in light of the [Court of Appeals’] opinion” and Plaintiff Singh’s recent declaration “addressing the timing of [his] desired accession into the Marine Corps.” However, Plaintiff Milaap Chahal recently contracted to join the Army National Guard rather than the Marine Corps. Accordingly, this Court finds that for the reasons set forth in the Court of Appeals’ opinion, Plaintiff Jaskirat Singh has satisfied the standard for a preliminary injunction.

IT IS THEREFORE:

ORDERED that the application for a preliminary injunction by Plaintiff Jaskirat Singh is hereby GRANTED;

ORDERED that Defendants are hereby PROHIBITED, pending further order of this Court, from causing Plaintiff Jaskirat Singh to shave or otherwise cut the hair on his head or shave or otherwise cut his beard as a condition of participating in the Marine Corps recruit training program conducted at Marine Corps Recruit Depot San Diego;

ORDERED that Defendants are hereby PROHIBITED, pending further order of this Court, from ordering Plaintiff Jaskirat Singh to remove the Sikh articles of faith identified in his religious accommodation request, ECF Nos. 1-14, 1-15—specifically, the *Turban/Patka* (head covering), and the *Kara* (steel bracelet)—as a condition of participating in the Marine Corps recruit training program conducted at Marine Corps Recruit Depot San Diego, except in the circumstances described below;

ORDERED that Defendants will apply uniform and grooming standards to Plaintiff Jaskirat Singh as explained below;

ORDERED that Defendants are hereby PROHIBITED, pending further order of this Court, from subjecting Plaintiff Jaskirat Singh to disciplinary measures as a result of adhering to the uniform and grooming accommodations set forth in this order within the allotted time periods specified below. He will otherwise be treated the same as all other recruits;

ORDERED that nothing in this order shall govern any party's conduct outside of Plaintiff Jaskirat Singh's participation in Marine Corps recruit training conducted at Marine Corps Recruit Depot San Diego, nor shall anything in this order be construed as evidence

or as an admission regarding any issues of law or fact, or regarding the truth or validity of any allegation or claim raised in this or other litigation;

ORDERED that, following Plaintiff Jaskirat Singh's successful completion of boot camp, previously approved religious accommodations will take effect, subject to any proceedings in Phase II of this litigation; and

ORDERED, in accordance with Fed. R. Civ. P. 65(c), that this injunction shall be effective immediately without security from Plaintiffs.

It is further **ORDERED** that the following requirements will apply to Plaintiff Jaskirat Singh while attending Marine Corps recruit training conducted at Marine Corps Recruit Depot San Diego:

Uniform and Grooming Requirements

Dress Blue Uniform

When wearing the Dress Blue uniform, Plaintiff Jaskirat Singh will be required to style his hair in a neat and conservative manner that conforms closely to the head and is tied tightly in a bun at the top of the head. He will be required to wear a white turban both indoors and outdoors. Plaintiff will wear his turban unconcealed and uncovered at all times in public, whether indoors or outdoors. Plaintiff will bring with him to training and use for the purpose of covering his hair sufficient turban material in the appropriate styles and colors. Plaintiff may also bring with him and use cloth under-turbans (which help to secure the turbans more tightly) to ensure a neat and conservative appearance. He will be required to roll, tie, or otherwise groom closely to his face his unshorn beard in a neat and conservative manner, such that the beard is no longer than two inches in length after

grooming. He will be permitted to wear the *kara* (steel bracelet) on the wrist of his dominant arm at all times.

Service Uniform

When wearing the Service uniform, Plaintiff Jaskirat Singh will be required to style his hair in a neat and conservative manner that conforms closely to the head and is tied tightly in a bun at the top of the head. He will be required to wear a dark green turban both indoors and outdoors. Plaintiff will wear his turban unconcealed and uncovered at all times in public, whether indoors or outdoors. Plaintiff will bring with him to training and use for the purpose of covering his hair sufficient turban material in the appropriate styles and colors. Plaintiff may also bring with him and use cloth under-turbans (which help to secure the turbans more tightly) to ensure a neat and conservative appearance. He will be required to roll, tie, or otherwise groom closely to his face his unshorn beard in a neat and conservative manner, such that the beard is no longer than two inches in length after grooming. He will be permitted to wear the *kara* on the wrist of his dominant arm at all times.

Marine Pattern Combat Utility Uniform (MARPAT) and Physical Training Uniforms

When wearing the MARPAT or physical training uniforms, Plaintiff Jaskirat Singh will be required to style his hair in a neat and conservative manner that conforms closely to the head and is tied tightly in a bun. When Plaintiff must wear a combat helmet or other protective head gear, he will be required to reposition or adjust the bulk of his hair to ensure proper fit, including at the nape of his neck.

In light of the fact that recruits wearing the MARPAT and Physical Training Uniforms may be required to engage in physical training at any time, without any reasonable opportunity to put on or remove a turban, Plaintiff Jaskirat Singh will be required to wear a tightly wrapped dark green or black *patka* or *parna* while wearing these uniforms.¹ Plaintiff Jaskirat Singh may also wear a tightly wrapped black turban after returning to the squad bay at the end of each day until he leaves the squad bay the following morning. Plaintiff Jaskirat Singh will wear a black swim cap during swimming activities. He will wear and maintain all head coverings in a neat and conservative manner.

Plaintiff will wear his turban, *patka*, or *parna* unconcealed and uncovered at all times in public, whether indoors or outdoors, unless required to wear a combat helmet or other protective headgear as set forth above. Plaintiff will bring with him to training and use for the purpose of covering his hair sufficient turban and *patka/parna* material in white, dark green, and black to facilitate appropriate wear of each assigned uniform. Plaintiff may also bring with him and use cloth under-turbans (which help to secure the turbans more tightly) to ensure a neat and conservative appearance.

Plaintiff Jaskirat Singh will roll, tie, or otherwise groom closely to his face his unshorn beard in a neat and conservative manner, such that the beard is no longer than two inches in length after grooming.

Plaintiff Jaskirat Singh will be permitted to wear at all times, except in certain limited and temporary circumstances set forth below, his *kara* on the wrist of his dominant

¹ A "*parna*" is a smaller turban that uses less fabric and can be worn under a combat helmet.

arm. During particular training exercises—such as Marine Corps martial arts training, swim test, obstacle course, and confidence course—in which Defendants reasonably determine that maintenance of the *kara* on Plaintiff's wrist could be harmful to Plaintiff's safety or the safety of other recruits or staff, Plaintiff will be required to remove his *kara* and place it in his pocket until completion of that training exercise, at which time he may resume wearing his *kara* on his wrist. Plaintiff will ensure that his *kara* will not interfere with the proper operation of any weapons or equipment or with the fit of any personal protective gear.

Grooming Products

Plaintiff Jaskirat Singh will be permitted to bring to training and use as part of his grooming regimen the following products and accessories: rubber bands, hair pins, hair gel or hairspray, and shampoo to ensure that his hair is maintained neatly and conservatively within his permitted head covering and to ensure that his beard is groomed in a neat and conservative manner. Should the Plaintiff bring *salais*² to boot camp in order to tie his turban in a neat and conservative manner, the *salais* shall be made of plastic or wood. Plaintiff will have these items inspected by Defendants prior to shipping to boot camp.

Grooming Time Limit

Plaintiff Jaskirat Singh will be afforded the same amount of time for grooming and dressing each morning as all other recruits while at recruit training. He may also use for

² A “*salai*” is a grooming tool, similar in size and shape to a small knitting needle, used by many Sikhs to secure and tuck hair into a turban and straighten the folds of a turban.

grooming any designated time afforded recruits in the evening to prepare for the next day's activities, commonly known as "square-away time."

Inspection

Defendants' personnel administering recruit training may periodically inspect the accommodations set forth above to ensure that they conform to this order and have not become damaged or otherwise modified in a manner that renders them physically dangerous to Plaintiff, his fellow recruits, or staff. Plaintiff's appearance will be inspected in the same manner and at the same frequency as his fellow recruits. Plaintiff should generally not be required to remove his *kara* from his wrist for the inspection. If circumstances require removal of Plaintiff's *kara* from his wrist for inspection, it shall be kept off the floor and kept as clean as possible during its inspection. If Defendants identify any damage or modification that renders any article of faith physically dangerous to Plaintiff, his fellow recruits, or staff, Plaintiff shall be permitted to replace them. Plaintiff will bring with him to training sufficient replacement *karas* for this purpose.

SO ORDERED.



RICHARD J. LEON

United States District Judge