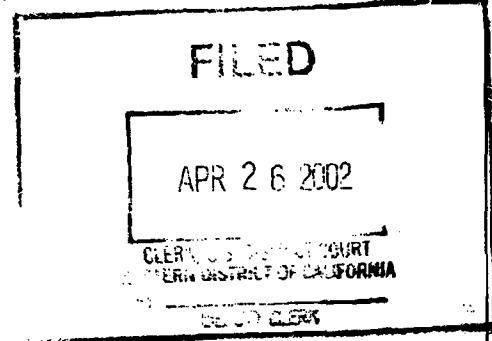


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Mayweathers v. Newland



PC-CA-016-008



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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KARLUK M. MAYWEATHERS;  
DIETRICH J. PENNINGTON;  
JESUS JIHAD; TERRANCE MATHEWS;  
ASWAD JACKSON; ANSAR KEES,  
individually and on behalf of  
all others similarly situated,

NO. CIV. S-96-1582 LKK/GGH P

Plaintiff,

v.

O R D E R

CALVIN TERHUNE; A.C. NEWLAND;  
BARRY SMITH; BONNIE GARIBAY;  
N. FRY; M.E. VALDEZ; N. BENNETT;  
and F.X. CHAVEZ,

Defendants.

Plaintiffs are a class of Muslim state prisoners housed at California State Prison-Solano seeking relief under 42 U.S.C. § 1983 for alleged violations of their First Amendment right to the free exercise of their religion, as well as their Fourteenth Amendment right to Equal Protection of the law. This matter comes before the court on plaintiffs' motion to renew the

1 court's grooming injunction, and defendants' motion to stay its  
2 enforcement.<sup>1</sup> The standards for such a motion are well-known  
3 and need not be repeated here. See Topanga Press Inc. v. City  
4 of Los Angeles, 989 F.2d 1524, 1528 (9th Cir. 1993).

5 Defendants assert the balance of hardships tip in their  
6 favor because the injunction forces CSP-Solano to create and  
7 implement new institutional processes, procedures, and training,  
8 all of which causes defendants to divert significant time and  
9 resources. The court considered these issues when it granted  
10 the preliminary grooming injunction. The court found that while  
11 "not unsympathetic to the inconveniences that an injunction may  
12 cause to the prison staff at CSP-Solano . . . the court must  
13 weigh those conveniences against the fact that the grooming  
14 regulations likely violate RLUIPA and therefore infringe on  
15 privileges mandated by law . . . Accordingly, the court is  
16 convinced that the balancing test favors the inmates and  
17 commands injunctive relief." See Order, dated February 8, 2002,  
18 at 16:17-17:9. Because the court has previously considered the  
19 hardship to the parties, the court concludes that the argument's  
20 repetition here does not justify a stay of the enforcement of  
21 the grooming injunction.

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23  
24 <sup>1</sup> On February 8, 2001, the court granted plaintiffs' motion  
25 for a preliminary injunction, and prohibited defendants from  
26 imposing any form of discipline on plaintiffs for wearing beards  
no longer than one-half inch in length during the pendency of this  
action. See Order, dated February 8, 2001, at 19:5-8 ("grooming  
injunction").

1 Defendants also contend that because they have a likelihood  
 2 of success on the merits of their claim that the Religious Land  
 3 Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et.  
 4 seq. ("RLUIPA"), is unconstitutional, enforcement of the  
 5 grooming injunction should be stayed. Because the court has  
 6 already concluded that RLUIPA is constitutional, see Order,  
 7 dated July 2, 2001, at 18:12-13, the court cannot agree that the  
 8 argument justifies a stay.

9 Plaintiffs also move for a second preliminary injunction  
 10 identical to the court's grooming injunction. They argue that  
 11 the court may summarily reenter a preliminary injunction based  
 12 upon the principles of the law of the case.

13 The law of the case doctrine requires that when a court  
 14 decides on a rule, it should ordinarily follow that rule during  
 15 the pendency of the case. See Arizona v. California, 460 U.S.  
 16 605 (1983). It is, of course, merely a prudential doctrine;  
 17 nonetheless, the doctrine guides the court's discretion on  
 18 issues such as the one at bar. See Slotkin v. Citizens Cas.  
 19 Co., 614 F.2d 301, 312 (1979) (The law of the case "does not  
 20 constitute a limitation on the court's power but merely  
 21 expresses the general practice of refusing to reopen what has  
 22 been decided.") "The rule of practice promotes finality and  
 23 efficiency of the judicial process by 'protecting against the  
 24 agitation of settled issues . . . ." Christianson v. Colt  
 25 Indus. Operating Corp., 486 U.S. 800, 816 (1988).

26 ////

1           Grounds justifying departure from the law of the case  
 2 include substantially different evidence, a change in  
 3 controlling authority or the need to correct a clearly erroneous  
 4 decision which would work a manifest injustice. See White v.  
 5 Murtha, 377 F.2d 428, 431-432 (5th Cir. 1967).


6           Defendants' contentions were previously argued and rejected  
 7 when the court denied defendants' motion to dismiss plaintiffs'  
 8 RLUIPA claim. See Order, dated July 2, 2001, at 1-18. The  
 9 court affirms its prior rejection of these contentions because  
 10 the defendants have failed to identify substantially different  
 11 evidence, a change in the controlling legal authority, or any  
 12 error in the court's prior decision. See id. Defendants' only  
 13 additional argument is the balance of hardships question, to  
 14 which the court concluded above, falls in plaintiffs' favor.

15           For the foregoing reasons, the court hereby makes the  
 16 following ORDERS:

- 17           1. Defendants' motion to stay enforcement of the grooming  
 18 injunction is DENIED; and
- 19           2. Plaintiffs' motion for a second preliminary grooming  
 20 injunction is GRANTED.

21           IT IS SO ORDERED.

22           DATED: April 25, 2002.

23  
 24   
 25 LAWRENCE K. KARLTON  
 26 SENIOR JUDGE  
 UNITED STATES DISTRICT COURT

ndd

United States District Court  
for the  
Eastern District of California  
April 26, 2002

\* \* CERTIFICATE OF SERVICE \* \*

2:96-cv-01582

Mayweathers

v.

Sutton

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on April 26, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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Jack L. Wagner, Clerk

