

Eastern District of Arkansas
Pine Bluff Division

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 28 2011

JAMES W. McCORMACK, CLERK
By: [Signature] DEPT. CLERK

Gregory Holt #129616
(Abdul Maalik Muhammad),
Plaintiff

Civil Action No.

5:11CV00164

B8m/ggv

VS.

Ray Hobbs, in his official
Capacity as Director of
the Arkansas Department
of Correction and Gaylon Lay,
in his official capacity as Warden
of the Cummins Unit, Defendants

Application For Preliminary Injunction
and Temporary Restraining Order

Comes now the Plaintiff, Gregory Holt, pro se
and for his Application states the following:

- (1) Plaintiff is a devout, fundamentalist Muslim
incarcerated at the Cummins Unit in Grady,
Arkansas. One of Plaintiff's beliefs is that he
is required to grow his beard as laid out in the
hadith and the Sunnah of the Prophet Muhammad
(saws)
- (2) Arkansas Department of Correction grooming
policy is that inmates, regardless of religious
belief or practice, are required to shave and may
only wear a mustache that cannot go past the
corners of the mouth. Purportedly, this is not

for hygiene purposes rather than to stop the "hiding of contraband and weapons" (response of Warden Gaylon Lay to formal grievance). Failure to comply would result in disciplinary action.

- (3) Plaintiff has in the past received multiple disciplinaries for refusal to comply and is currently facing more for growing a 1/2 inch beard. This length was defined as appropriate to meet "legitimate governmental objectives" and was considered the "least restrictive means" of allowing Muslims to practice their religion. (Mayweathers vs. Terhune, 328 F. Supp. 2d 1086, 2004) (see also attached Memorandum of Law)
- (4) Plaintiff is in the final stage of exhausting his administrative remedies. However, due to the real probability of further disciplinary action, Plaintiff needs an injunction for the duration of the administrative remedy process, currently slated for decision on July 8, 2011. This Court is authorized to issue an injunction even if the administrative remedy process has not been exhausted. (Jackson vs. District of Columbia, 254 F.3d 262, 2001) Plaintiff must show "irreparable injury, loss or damage" in order to convince a Court that a TRO is appropriate. Plaintiff would assert that if he is required to notify prison officials of the existence of this Application or reveal the fact that he is seeking relief without the benefit of a TRO, he would be subjected to further disciplinaries, harassment, being placed in punitive isolation where at this time temperatures hover in the high 90's daily and transfer for non-disciplinary reasons. See also Memorandum of Law that is attached.
- (5) Plaintiff is also seeking in forma pauperis status and would ask this Court to allow him to file the petition without getting

verification from the financial officer of this institution for the reasons stated previously,

(6) Plaintiff can prove that a constitutional violation has occurred and will continue to occur unless corrected by this Court's intervention through the avenue of a temporary restraining order (TRO) or preliminary injunction,

Wherefore, premises considered, Plaintiff prays that this Court grants his Application for a Temporary Restraining Order or Preliminary Injunction,

Respectfully submitted,
Gregory Holt
Gregory Holt #129616
Cummins Unit
P.O. Box 500
Grady, AR 71644-0500