

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**GREGORY HOLT,
ADC #129616**

PLAINTIFF

v.

CASE NO. 5:11CV00164 BSM/JJV

**RAY HOBBS, Director,
Arkansas Department of Correction, et al.**

DEFENDANTS

ORDER


The proposed findings and recommended partial disposition [Doc. No. 7] submitted by United States Magistrate Judge Joe J. Volpe and the filed objections [Doc. No. 10] have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, rejected in their entirety in all respects. Defendants have not met their “burden of demonstrating that the grooming policy is the least restrictive means to achieve security as *applied to*” plaintiff Gregory Holt. *Fegans v. Norris*, 537 F.3d 897, 908-09 (8th Cir. 2008) (Melloy, J., dissenting).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s motion for preliminary injunction and temporary restraining order [Doc. No. 3] is GRANTED.
2. The case is remanded to Judge Volpe to hold a temporary injunction hearing and permit defendants to present evidence showing that the Arkansas Department of Correction’s beard grooming policy, which restricts Holt’s First Amendment right to observe

his religion, is the least restrictive means of achieving these security goals sought by the policy.

Dated this 18th day of October 2011.


UNITED STATES DISTRICT JUDGE