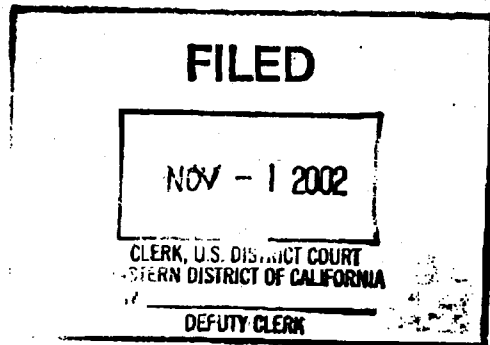


W94



Mayweathers v. Newland



PC-CA-016-010

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,

Plaintiff,

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

v.

ORDER

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 court's

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1 injunction with respect to grooming. The standards for such a
2 motion are well-known and need not be repeated here. See Topanga
3 Press Inc. v. City of Los Angeles, 989 F.2d 1524, 1528 (9th Cir.
4 1993).

5 Plaintiffs move for a preliminary injunction identical to that
6 which the court has previously ordered. They argue that the court
7 may summarily reenter a preliminary injunction based upon the
8 principles of the law of the case.

9 The law of the case doctrine requires that when a court
10 decides on a rule, it should ordinarily follow that rule during the
11 pendency of the case. See Arizona v. California, 460 U.S. 605, 618
12 (1983). It is, of course, merely a prudential doctrine;
13 nonetheless, the doctrine guides the court's discretion on issues
14 such as the one at bar. See Slotkin v. Citizens Cas. Co., 614 F.2d
15 301, 312 (2d Cir. 1979) (The law of the case "does not constitute
16 a limitation on the court's power but merely expresses the general
17 practice of refusing to reopen what has been decided.") "The rule
18 of practice promotes finality and efficiency of the judicial
19 process by 'protecting against the agitation of settled issues
20" Christianson v. Colt Indus. Operating Corp., 486 U.S.
21 800, 816 (1988).

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

1 Defendants' contentions were previously argued and rejected
2 when the court issued the first, second and third preliminary
3 injunctions and in the court's order denying defendants' motion to
4 dismiss plaintiffs' claim under the Religious Land Use and
5 Institutionalized Persons Act. Moreover, the Ninth Circuit has
6 recently affirmed the propriety of the issuance of successive
7 preliminary injunctions and has made clear that such renewal
8 presents no conflict with the automatic expiration provision of the
9 Prison Litigation Reform Act, 18 U.S.C. § 3636(a)(2). See
10 Mayweathers v. Newland, 258 F.3d 930 (9th Cir. 2001). Accordingly,
11 the court affirms its prior rejection of defendants' contentions
12 because the defendants have failed to identify substantially
13 different evidence, a change in the controlling legal authority,
14 or any error in the court's prior decisions. See White, 377 F.2d
15 at 431-432.

16 In granting this renewed preliminary injunction, the court
17 specifically finds that the relief afforded extends no further than
18 necessary to correct the threat to plaintiffs' rights under RLUIPA
19 and, accordingly, it is narrowly drawn and the least intrusive
20 means necessary to correct the harm. See 18 U.S.C. § 3626(a)(2).
21 In so finding, the court incorporates by reference the analysis set
22 forth in its order dated February 8, 2001. There, the court found
23 that there was a substantial likelihood that defendants' grooming

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25 ¹ It is only because of the defendants' insistence on
26 exercising their right to appeal each of the previously issued
orders that the court has been unable to try the matter and finally
resolve it.

1 policy violated plaintiffs' rights under RLUIPA. The court further
2 found that a preliminary injunction preventing defendants from
3 imposing discipline on plaintiffs for wearing beards in
4 contravention of the challenged policy was necessary to correct the
5 violation of plaintiffs' federally-protected rights:

6 [W]ithout an order enjoining the grooming regulations
7 and allowing plaintiffs to grow half-inch beards,
8 plaintiffs may lose the opportunity to earn time off
9 from their sentences, face restricted visiting hours, be
restricted from canteen draw, lose time outside their
cells, lose work credits, and be denied the opportunity
to attend Jumu'ah.

10 February 8, 2001 Order at 15. The preliminary injunction is thus
11 necessary to correct that harm justifying injunctive relief.

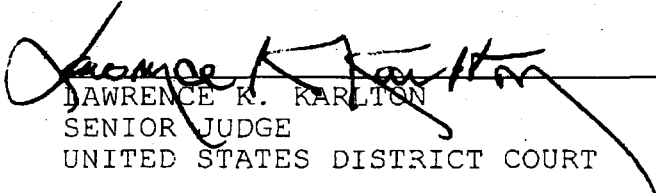
12 According to the legislative history behind § 3626(a)(2), the
13 "provision stops judges from imposing remedies intended to effect
14 an overall modernization of local prison systems or provide an
15 overall improvement in prison conditions" by "limiting remedies to
16 those necessary to remedy the proven violation of federal rights."
17 H.R.Rep. No. 21, 104th Cong., 1st Sess. 7, at 24 n. 2 (1995). Far
18 from seeking to effect an overall improvement in prison conditions,
19 the injunction at issue here is narrowly drawn to remedy a
20 particular violation of RLUIPA. In granting the original
21 injunction, the court noted that it is "not unsympathetic to the
22 inconveniences that an injunction may cause to the prison staff at
23 CSP-Solano." February 8, 2001 Order at 16. Nevertheless, for all
24 the reasons stated in the court's original order, injunctive relief
25 remains appropriate.

26 ////

1 For the foregoing reasons, plaintiffs' motion to renew the
2 court's grooming injunction for a fourth time is GRANTED.

3 IT IS SO ORDERED.

4 DATED: October 29, 2002.

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6 
7 LAWRENCE K. KARLTON
8 SENIOR JUDGE
9 UNITED STATES DISTRICT COURT
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ndd

United States District Court
for the
Eastern District of California
November 1, 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 November 1, 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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Law Offices of Stewart Katz
1001 G Street
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Sacramento, CA 95814

SJ/LKK

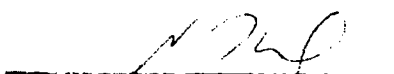
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