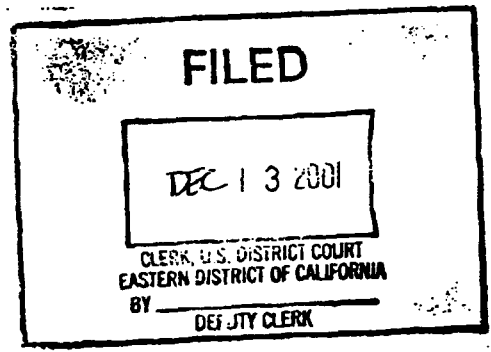




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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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.

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 their motion for a sixth preliminary

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

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

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

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

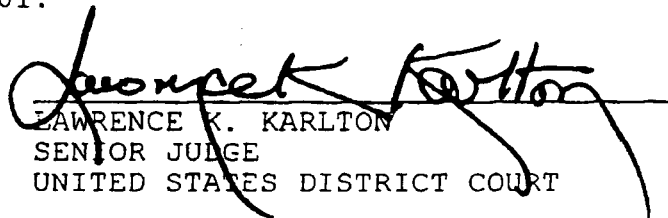
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1 Defendants' contentions were previously argued and rejected
 2 when the court issued the first and second preliminary injunction
 3 and in the court's order denying defendants' motion to dismiss
 4 plaintiffs' RLUIPA claim. The court affirms its prior rejection
 5 of these contentions because the defendants have failed to identify
 6 substantially different evidence, a change in the controlling legal
 7 authority, or any error in the court's prior decision. See id.

8 For the foregoing reasons, plaintiffs' motion for a sixth
 9 preliminary injunction is GRANTED.

10 IT IS SO ORDERED.

11 DATED: December 12, 2001.

12 
 13 LAWRENCE K. KARLTON
 14 SENIOR JUDGE
 15 UNITED STATES DISTRICT COURT

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