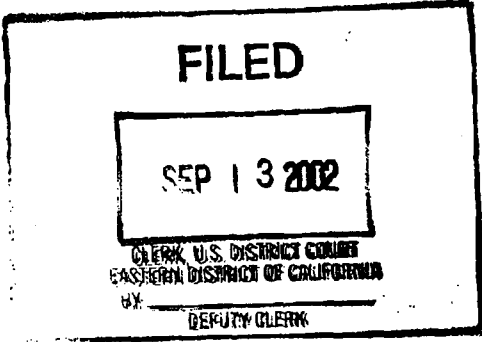


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Mayweathers v. Newland



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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 their motion for a ninth preliminary

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  
3 Los Angeles, 989 F.2d 1524, 1528 (9th Cir. 1993).

4 Plaintiffs move for a preliminary injunction identical to  
5 that which the court has previously ordered. They argue that  
6 the court may summarily reenter a preliminary injunction based  
7 upon the 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  
10 the pendency of the case. See Arizona v. California, 460 U.S.  
11 605, 618 (1983). It is, of course, merely a prudential  
12 doctrine; nonetheless, the doctrine guides the court's  
13 discretion on issues such as the one at bar. See Slotkin v.  
14 Citizens Cas. Co., 614 F.2d 301, 312 (2d Cir. 1979) (The law of  
15 the case "does not constitute a limitation on the court's power  
16 but merely expresses the general practice of refusing to reopen  
17 what has been decided.") "The rule of practice promotes  
18 finality and efficiency of the judicial process by 'protecting  
19 against the agitation of settled issues . . . .'" Christianson  
20 v. Colt Indus. Operating Corp., 486 U.S. 800, 816 (1988).

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

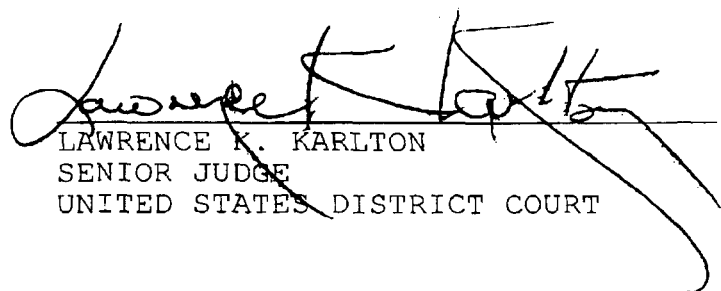
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1 Defendants' contentions were previously argued and rejected  
 2 when the court issued the first and second preliminary  
 3 injunctions and in the court's order denying defendants' motion  
 4 to dismiss plaintiffs' RLUIPA claim. Moreover, the Ninth  
 5 Circuit subsequently affirmed the merits of those injunctions,  
 6 and the court's issuance of successive injunctions, in  
 7 Mayweathers v. Newland, 258 F.3d 930 (9th Cir. 2001).  
 8 Accordingly, the court affirms its prior rejection of these  
 9 contentions because the defendants have failed to identify  
 10 substantially different evidence, a change in the controlling  
 11 legal authority, or any error in the court's prior decisions.  
 12 See id.

13 For the foregoing reasons, plaintiffs' motion for a ninth  
 14 preliminary injunction is GRANTED.

15 IT IS SO ORDERED.

16 DATED: September 12, 2002.

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 19 LAWRENCE K. KARLTON  
 20 SENIOR JUDGE  
 21 UNITED STATES DISTRICT COURT

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