

Mayweathers v. Newland



PC-CA-016-011

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EASTERN DISTRICT OF CALIFORNIA

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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 plaintiffs' motion to renew the

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

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

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

1 The defendants present no new arguments in opposition to
2 plaintiffs' motion. Defendants' contentions were previously
3 argued and rejected when the court issued the first, second,
4 third and fourth preliminary injunctions and in the court's
5 order denying defendants' motion to dismiss plaintiffs' claim
6 under the Religious Land Use and Institutionalized Persons Act.
7 Two recent Ninth Circuit rulings in this case confirm the
8 soundness of the court's previous decisions.

9 First, the Ninth Circuit has affirmed the propriety of the
10 issuance of successive preliminary injunctions and has made
11 clear that such a renewal presents no conflict with the
12 automatic expiration provision of the Prison Litigation Reform
13 Act, 18 U.S.C. § 3636(a)(2). See Mayweathers v. Newland, 258
14 F.3d 930 (9th Cir. 2001). Accordingly, the court affirms its
15 prior rejection of defendants' contentions because the
16 defendants have failed to identify substantially different
17 evidence, a change in the controlling legal authority, or any
18 error in the court's prior decisions. See White, 377 F.2d at
19 431-432.

20 Second, the Ninth Circuit recently upheld the Religious
21 Land Use and Institutionalized Persons Act (RLUIPA) in the face
22 of defendants' constitutional challenges. See Mayweathers v.
23 Newland, 01-16505 (9th Cir. Dec. 27, 2002). Despite that
24 ruling, defendants repeat their contentions that the statute is
25 unconstitutional, that this court lacks jurisdiction to proceed
26 on plaintiffs' RLUIPA claims, and that the preliminary

1 injunction violates the Establishment Clause. The decision of
2 the court of appeals forecloses those arguments.

3 In granting this renewed preliminary injunction, the court
4 specifically finds that the relief afforded extends no further
5 than necessary to correct the threat to plaintiffs' rights under
6 RLUIPA and, accordingly, it is narrowly drawn and the least
7 intrusive means necessary to correct the harm. See 18 U.S.C.
8 § 3626(a)(2). In so finding, the court incorporates by
9 reference the analysis set forth in its order dated February 8,
10 2001. There, the court found that there was a substantial
11 likelihood that defendants' grooming policy violated plaintiffs'
12 rights under RLUIPA. The court further found that a preliminary
13 injunction preventing defendants from imposing discipline on
14 plaintiffs for wearing beards in contravention of the challenged
15 policy was necessary to correct the violation of plaintiffs'
16 federally-protected rights:

17 [W]ithout an order enjoining the grooming regulations
18 and allowing plaintiffs to grow half-inch beards,
19 plaintiffs may lose the opportunity to earn time off
20 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.

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

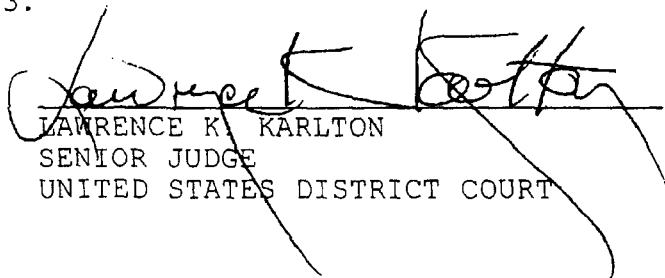
24 According to the legislative history behind § 3626(a)(2),
25 the "provision stops judges from imposing remedies intended to
26 effect an overall modernization of local prison systems or

1 provide an overall improvement in prison conditions" by
2 "limiting remedies to those necessary to remedy the proven
3 violation of federal rights." H.R.Rep. No. 21, 104th Cong.,
4 1st Sess. 7, at 24 n. 2 (1995). Far from seeking to effect an
5 overall improvement in prison conditions, the injunction at
6 issue here is narrowly drawn to remedy a particular violation of
7 RLUIPA. In granting the original injunction, the court noted
8 that it is "not unsympathetic to the inconveniences that an
9 injunction may cause to the prison staff at CSP-Solano."
10 February 8, 2001 Order at 16. Nevertheless, for all the reasons
11 stated in the court's original order, injunctive relief remains
12 appropriate.

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

15 IT IS SO ORDERED.

16 DATED: January 13, 2003.

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18 
19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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United States District Court
for the
Eastern District of California
January 15, 2003

* * 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 January 15, 2003, 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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