

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

LARRY WAYNE JONES,
ADC #70147

PLAINTIFF

v.

No. 5:12CV00117 JLH-JTK

CURTIS MEINZER, et al.

DEFENDANTS

ORDER

This is another challenge brought by an inmate in the Arkansas Department of Correction pursuant to the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-1(a)(1)-(2), challenging the ADC's grooming policy provided in Administrative Directive 98-04, which prohibits beards other than quarter-inch beards permitted only for diagnosed dermatological problems. The defendants moved for summary judgment on several grounds, one of which was that the Eighth Circuit has already held that the grooming policy provided in Administrative Directive 98-04 does not violate RLUIPA. *See Holt v. Hobbs*, 509 Fed. App'x 561 (8th Cir. 2013), and *Fegans v. Norris*, 537 F.3d 897 (8th Cir. 2008); *see also Deaton v. Ark. Dep't of Correction*, No. 2:12CV00186-JLH-JAK, 2012 WL 6115102 (E.D. Ark. Oct. 15, 2012).

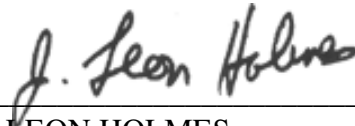
The magistrate judge recommended denying the motion for summary judgment, distinguishing *Holt v. Hobbs* on the ground that the inmate in that case sought to grow a one-half inch beard, whereas Jones wants to grow a one-fourth inch beard.

Upon *de novo* review, the Court has concluded that summary judgment must be entered in this case because binding precedent from the Eighth Circuit has held that the grooming policy at issue here does not violate RLUIPA. The Eighth Circuit's opinion in *Holt v. Hobbs* did not hinge on the fact that Holt sought to have a one-half inch beard rather than a one-fourth inch beard. Indeed, the

opinion never mentions the length of the beard that Holt sought to have. Instead, the Eighth Circuit said, “we conclude that defendants met their burden under RLUIPA of establishing that ADC’s grooming policy was the least restrictive means of furthering a compelling interest.” *Holt v. Hobbs*, 509 Fed. App’x at 562 (citing *Fegans v. Norris*, 537 F.3d at 903 and 905). Because the Eighth Circuit has held that Administrative Directive 98-04 does not violate RLUIPA, the defendants are entitled to judgment as a matter of law.

Accordingly, defendants’ motion for summary judgment is GRANTED. Document #46.

IT IS SO ORDERED this 18th day of October, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE