

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ABDUL HAKEEN JAHMAL NASEER
SHABAZZ aka Owen D. Denson,
Jr.,

Plaintiff,

v.

Case No: 2:17-cv-648-JES-NPM

RICKY DIXON,

Defendant.

PERMANENT INJUNCTION ORDER

After holding a bench trial of this action, the Court finds that Plaintiff is entitled to a permanent injunction. In his Fifth Amended Complaint, Plaintiff seeks permanent injunctive and declaratory relief challenging FDOC's grooming policy as it pertains to the length of beard he may grow under the Religious Land Use and Institutionalized Persons Act ("RLIUPA"), 42 U.S.C. § 2000cc-2000cc-5. (Doc. #178). Plaintiff is an inmate in the Florida Department of Corrections (FDOC) and an observant of the Sunni Muslim faith, which mandates he grow an untrimmed beard. The Florida Administrative Code, Chapter 33-602.101, requires inmates to be clean shaven or "grow and maintain a maximum half-inch beard" (the "grooming policy"), which substantially burdens Plaintiff's religious tenets. For the reasons stated in the contemporaneous Opinion and Order, the Court finds Plaintiff is entitled to an exemption from the grooming policy under the RLUIPA.

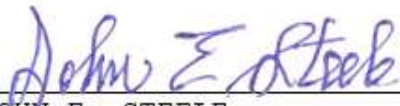
Furthermore, this Court has weighed the potential harm suffered by both parties and has concluded that Plaintiff will face greater harm if Defendant is not enjoined from enforcing its beard grooming policy as to Plaintiff. Plaintiff would be irreparably harmed if a permanent injunction was not issued in this matter allowing Plaintiff to grow an untrimmed beard, and legal remedies would not adequately compensate for that harm. Additionally, the issuance of the permanent injunction is not adverse to the public interest.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff's request for a permanent injunction (Doc. #178, p. 6) is **GRANTED IN PART** and Defendant, Defendant's officers, agents, servants, and employees are enjoined from enforcing the grooming policy in Chapter 33-602.101 of the Florida Administrative Code against Plaintiff to the extent that Plaintiff shall be permitted to maintain an untrimmed beard. Plaintiff shall not be subject to any disciplinary measures for violating the beard grooming policy while this Order is in effect.

DONE and ORDERED at Fort Myers, Florida, this 14th day of August 2023.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record