

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA

American Humanist Association, John Doe and Joe Doe *as parents and next friends of their minor child*, and Jill Doe,

Plaintiff,

vs.

South Carolina Department of Education and Greenville County School District,

Defendants.

Civil Action No.: 6:13-2471-BHH

**ORDER AND OPINION**

This matter is before the Court on the Report and Recommendation of Magistrate Judge Jacquelyn D. Austin. (ECF No. 86.) In accordance with 28 U.S.C. § 636, Local Civil Rule 73.02(B)(1) D.S.C., and an order of reference issued by the undersigned, the plaintiff's motion for preliminary injunction (ECF No. 5) was referred to Magistrate Judge Austin for a Report and Recommendation. On February 18, 2015, Magistrate Judge Austin issued a Report and Recommendation recommending that the court deny the plaintiff's motion for a Preliminary Injunction. (ECF No. 86.) On February 23, 2015, the plaintiffs filed objections to the Report and Recommendation. (ECF No. 87.)

Just prior to the issuance of the Report and Recommendation the plaintiff filed a motion for summary judgment, on February 4, 2015. (ECF No. 84.) The defendant filed a cross-motion for summary judgment, on March 13, 2015. (ECF No. 89.) The time for the completion of the brief schedules, however, has not elapsed and, therefore, parties have yet to make full response and reply.

The Court is sensitive to the elapsed time, in this case, prior to it having been

transferred to the undersigned and would not wish to delay more. But, the Court believes, in the interest of efficiency, that it is more prudent to deny the motion for preliminary injunction and proceed to a full and expedited consideration of the merits on summary judgment. Whatever injury the preliminary injunction portends to avoid will not arise, if at all, before the end of May, 2015, when additional graduations will be conducted by the Greenville County School District. The Court, therefore, will commit to a resolution of this case in time for the defendants to accommodate any remedy afforded the plaintiffs. This abbreviated schedule, however, is no indication of the Court's actual view as to the outcome in this case. Moreover, the undersigned's adoption of the Report and Recommendation and denial of the motion for preliminary injunction does not foreclose a consideration of all issues in this case, including the effect of the defendant's mid-litigation adaptation to its policy concerning prayer at future graduations.

#### **CONCLUSION**

Accordingly, the Report and Recommendation is adopted to the extent consistent with this Order and incorporated herein by reference. The plaintiffs' motion for a Preliminary Injunction (ECF No. 5) is DENIED.

IT IS SO ORDERED.

s/Bruce Howe Hendricks  
United States District Judge

March 19, 2015  
Greenville, South Carolina