

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEITH ANTHONY GIVHAN, et al.

PLAINTIFF

V.

NO. 4:82CV64-JAD

STEVE PUCKETT, et al.

DEFENDANTS

ORDER DENYING MOTION AND DENYING MOTION AS MOOT

David Weatherspoon, though not a plaintiff in this action, filed a motion in this action for preliminary injunction. It came on for hearing on November 15, 2006. To preserve judicial resources and efficiently address the Islamic inmates' similar concerns, a consolidated hearing was held, with the pending motions in *McLamb*, Civil Action No. 4:01CV95-WAP-JAD, and *Laushaw*, Civil Action No. 4:01CV120-WAP-JAD.

That part of the motion challenging MDOC regulations is denied. These regulations have been upheld by this court and the Fifth Circuit Court of Appeals.

After allowing each interested party, witness and counsel a generous opportunity to be heard, the court instructed the parties, their respective counsel and Islamic representatives to consult with one another in an effort to collectively draft proposed modifications to the currently controlling consent ord. After the parties have negotiated in good faith and have reached an agreement, the proposed modified order shall be presented to the court for review and consideration. Therefore, pending the court's approval of an updated consent order David Weatherspoon's motion (Doc. 89) is denied as moot.

SO ORDERED this the 15th day of November, 2006.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE