

ENTERED

February 01, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BELEN GONZALES, *et al*,

Plaintiffs,

VS.

MATHIS INDEPENDENT SCHOOL
DISTRICT,

Defendant.

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CIVIL ACTION NO. 2:18-CV-043

ORDER

Before the Court is Defendant’s Motion to Reconsider (D.E. 26), challenging this Court’s Order on Motion for Summary Judgment (D.E. 25). In suggesting that a different result should obtain, Defendant makes three fundamental analytical errors. First, it seeks to sever the constitutional right the Plaintiffs seek to vindicate into a mere promise or a mere hair length preference—depending on which focus serves the argument—when it is the combined moral and religious commitment that must be evaluated.

Second, it relies on rulings in cases that do not apply the Texas Religious Freedom Restoration Act (TRFRA) or its strict scrutiny test, which is the standard of review this Court is required to apply. Third, it engages in multiple slippery slope arguments couched in hyperbole to extend the ruling beyond the facts of this case, predicting nonsensical and untenable results that will ultimately paralyze the entire public school system. However, this Court’s ruling is proper on the facts of this case.

Having carefully considered Defendant’s arguments, both in its summary judgment motion and in its motion to reconsider, the Court remains of the opinion that

Defendant has not sustained its burden to show that it is entitled to judgment as a matter of law on the remaining claims under the TRFRA and the Fourteenth Amendment's childrearing substantive due process rights. Consequently, the motion to reconsider is DENIED.

ORDERED this 1st day of February, 2019.


NEELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE