

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EDMUND DI LISCIA *et al.*,

Plaintiffs,

v.

LLOYD JAMES AUSTIN III *et al.*,

Defendants.

Civil Action No. 21-1047 (TJK)

ORDER

Plaintiffs filed an Application for a Temporary Restraining Order and Preliminary Injunction earlier today in which they argued that irreparable harm would befall Plaintiff Di Liscia, by 4:30 p.m., when Defendants plan to force him to violate his religious beliefs by requiring him—a sailor in the United States Navy aboard the U.S.S. Theodore Roosevelt and devout Chassidic Jew—to shave his beard. The Court held a hearing at 2:00 p.m. At the hearing, counsel for Defendants was understandably unable to respond to the merits of the motion on such short notice. However, he also represented that Defendants would not in fact require Di Liscia to shave his beard, at least for the time being, but that given the time difference between Washington, D.C. and the location of the ship, Defendants had not yet heard back that those instructions had been received.

In light of all of the above, the parties consented to the entry of a brief, administrative stay enjoining Defendants from forcing Di Liscia to shave his beard while Defendants confirm that his ship has received their instructions that he should not be forced to do so.¹

¹ Other courts in this District have entered such stays in emergency situations. *See, e.g., Kiakombua et al. v. McAleenan et al.*, Civil Action No. 19-1872 (KBJ), ECF No. 18 (D.D.C. July 9, 2019). Furthermore, this action aligns with the practice of the United States Court of Appeals

Therefore, is it hereby **ORDERED** that Defendants, their agents, and employees, are hereby enjoined from requiring Plaintiff Di Liscia from shaving or trimming his beard. This injunction will expire on April 17 at 4:00 p.m.

Defendants are also **ORDERED** to file on the docket by tomorrow, April 16, 2021, by 4:00 p.m., confirmation that Plaintiff Di Liscia's ship has received their instructions that Plaintiff Di Liscia is not to be required to shave or trim his beard. Moreover, if Defendants also represent that Plaintiff DiLiscia will not be required to do so at least for the next 14 days—until April 29—the Court will deny the motion for a Temporary Restraining Order as moot. If Defendants do not make such a representation, barring any further representations from Defendants, the Court anticipates promptly entering a Temporary Restraining Order enjoining them from doing so.

Finally, it is ordered that the parties shall file a joint status report by April 22, 2021, informing the Court as to the status of any discussions that might moot the motion for Preliminary Injunction.

SO ORDERED.

/s/ Timothy J. Kelly
TIMOTHY J. KELLY
United States District Judge

Date: April 15, 2021

for the District of Columbia of granting “administrative stay . . . to give the court sufficient opportunity to consider the emergency motion,” particularly when the exigencies of the circumstances prevent the defendants from responding. *Garza v. Hargan*, 2017 WL 4707112, at * 1 (D.C. Cir. Oct. 19, 2017) (citing D.C. Circuit Handbook of Practice and Internal Procedures 33 (2017)). Consistent with that practice, this order should not be construed in any way as a ruling on the merits of Plaintiffs’ motion. *See id.*