

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHURCH OF THE HOLY LIGHT OF
THE QUEEN, et al.,

No. 1:08-cv-03095-PA

Plaintiffs,

v.

ORDER

ERIC HOLDER, et al.,

Defendants.

PANNER, J.

After a court trial, I ruled plaintiffs could lawfully use Daime tea as a sacrament in their religious ceremonies. Church of the Holy Light of the Queen v. Mukasey, 615 F. Supp. 2d 1210 (D. Or. 2009). I then issued an amended judgment enjoining the government.

The Ninth Circuit vacated the amended judgment,
instructing this court:

The injunction is vacated, and the case is remanded with instructions for the district court to fashion an injunction limited in scope to its conclusion that the government failed to show that its interests justify prohibiting outright the Church's importation

of Daime tea solely for use at Church ceremonies. In other words, the injunction should not reach more conduct than that which the district court held violated RFRA.

Church of the Holy Light of the Queen v. Holder, 2011 WL 2784084, at *1 (9th Cir. 2011).

On November 3, 2011, after the mandate issued, I held a status conference by phone. I proposed that counsel confer with the goal of agreeing on the terms of an injunction. As of January 5, 2012, however, the parties apparently had not made much progress.

Based on the Ninth Circuit's instructions, I now issue a second amended judgment. The issuance of this judgment does not preclude the parties from agreeing on procedures for plaintiffs' importation, storage, distribution, and use of the Daime tea as a sacrament in the Church's ceremonies.

CONCLUSION

A second amended judgment will be filed. The parties have ten days from the date of this order to seek reconsideration.

IT IS SO ORDERED.

DATED this 6 day of January, 2012.


OWEN M. PANNER
U.S. DISTRICT JUDGE