

Assistant Warden, Varner Super *
Max, ADC; James Gibson, Assistant *
Director, ADC; David White, *
Warden, Maximum Security Unit, *
ADC; Justine Minor, Disciplinary *
Hearing Officer, ADC; Juanita *
Mathis, Disciplinary Hearing Officer, *
ADC; Minnie Drayer, Disciplinary *
Hearing Officer, ADC; Keith Waddle, *
Disciplinary Hearing Officer, ADC; *
Chris Coody, Disciplinary Hearing *
Officer, ADC; Lorie Taylor, *
Disciplinary Hearing Officer, ADC; *
Michael Hutchinson, Sgt., Varner *
Super Max, ADC; Kenneth Tillman, *
Lt., Varner Super Max, ADC; James *
Barnett, Captain, Varner Super Max, *
ADC; Jacqueline Owens, Disciplinary *
Officer, Varner Super Max, ADC; *
Brian Cockrell, Corporal, *
Maximum Security Unit, ADC; F. *
Raspberry, Sgt., Maximum Security *
Unit, ADC; Larry May, Assistant *
Director, ADC; Tommy James, *
Assistant Warden, Maximum Security *
Unit, ADC; Rick Toney, Warden, *
Varner Super Max, ADC; Ronald *
Bailey, Lt., Maximum Security Unit, *
ADC; Does, John & Jane, *
*
Appellees. *

Submitted: June 20, 2008
Filed: August 21, 2008

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Arkansas inmates Grady Newingham and Malik Khabir appeal three interlocutory orders entered in their action challenging prison dietary and grooming policies under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-1(a)(1)-(2). We lack jurisdiction in this appeal to review two of the orders – one denying leave to amend the complaint and the other dismissing certain defendants – because the orders were not final when this appeal was filed, and did not otherwise qualify for interlocutory appeal. See 28 U.S.C. §§ 1291, 1292; Kassuelke v. Alliant Techsys., Inc., 223 F.3d 929, 930-31 (8th Cir. 2000).

As to the order denying a preliminary injunction to stop enforcement of the grooming policy, we conclude that the district court¹ employed the proper legal analysis under RLUIPA and did not err in determining that plaintiffs failed to show a likelihood of success on the merits or irreparable harm. See Fegans v. Norris, No. 06-3473, 2008 WL 3266653 (8th Cir. Aug. 11, 2008) (upholding Arkansas grooming policies against RLUIPA challenge); Hamilton v. Schriro, 74 F.3d 1545, 1550-51 (8th Cir. 1996); see also Safety-Kleen Sys., Inc. v. Hennkens, 301 F.3d 931, 935 (8th Cir. 2002) (standard of review); Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981) (en banc) (preliminary injunction factors).

Accordingly, we affirm the district court’s order denying preliminary injunctive relief. We also deny plaintiffs’ request for a writ of mandamus based on conclusory

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas.

assertions of the district court's bias, and we deny as moot plaintiffs' motion to consolidate this appeal with Appeal No. 07-3835.
