

(ORDER LIST: 592 U.S.)

FRIDAY, FEBRUARY 5, 2021

ORDER IN PENDING CASE

20A137 HARVEST ROCK CHURCH, ET AL. V. NEWSOM, GOV. OF CA

The application for injunctive relief presented to Justice Kagan and by her referred to the Court is granted in part. Respondent is enjoined from enforcing the Blueprint's Tier 1 prohibition on indoor worship services against the applicants pending disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the petition for a writ of certiorari, if such writ is timely sought. The application is denied with respect to the percentage capacity limitations, and the respondent is not enjoined from imposing a 25% capacity limitation on indoor worship services in Tier 1. The application is denied with respect to the prohibition on singing and chanting during indoor services. This order is without prejudice to the applicants presenting new evidence to the District Court that the State is not applying the percentage capacity limitations or the prohibition on singing and chanting in a generally applicable manner. Should the petition for a writ of certiorari be denied, this order shall terminate automatically. In the event the petition for a writ of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court.

Justice Thomas and Justice Gorsuch would grant the application in full. See *South Bay United Pentecostal Church v. Newsom*, 592 U. S. ____ (2021) (statement of Gorsuch, J.).

Justice Alito would grant the application with respect to all of the capacity restrictions on indoor worship services and the prohibition against indoor singing and chanting, and would stay for 30 days an injunction against the percentage attendance caps and the prohibition against indoor singing and chanting. Justice Alito would have the stay lift in 30 days unless the State demonstrates clearly that nothing short of those measures will reduce the community spread of COVID-19 at indoor religious gatherings to the same extent as do the restrictions the State enforces with respect to other activities it classifies as essential.

Justice Kagan, with whom Justice Breyer and Justice Sotomayor join, dissenting: I dissent for the reasons set out in *South Bay United Pentecostal Church v. Newsom*, 592 U. S. ____ (2021) (Kagan, J., dissenting).