

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JUSTYNA JENSEN,
Plaintiff,

v.

RHODE ISLAND CANNABIS
CONTROL COMMISSION and
KIMBERLY AHEARN, IN HER
OFFICIAL CAPACITY,
Defendants.

C.A. No. 24-cv-191-MRD-AEM

JOHN KENNEY,
Plaintiff,

v.

RHODE ISLAND CANNABIS
CONTROL COMMISSION and
KIMBERLY AHEARN, IN HER
OFFICIAL CAPACITY,
Defendants.

C.A. No. 24-cv-252-MRD-AEM

JOINT ORDER

On April 15, 2026, the Defendants filed, in each above captioned case, a Notice of Appeal (Dkt. 191, ECF No. 43; Dkt. 252, ECF No. 41) from this Court's April 8, 2026 Memorandum & Order (Dkt. 191, ECF No. 41; Dkt. 252, ECF No. 39) which granted Plaintiffs Jensen and Kenney preliminary injunctive relief based on their Dormant Commerce Clause challenge to certain provisions of the Rhode Island Cannabis Act. Those appeals are pending before the First Circuit. *See* Case Nos. 24-1405, 24-1406. On June 10, 2026, the Governor of Rhode Island signed into law

Senate Bill 3313 which amended the enjoined provisions of the Rhode Island Cannabis Act. The Defendants now return to this Court to ask that it dissolve the preliminary injunction and provide an indicative ruling under Rule 62.1. (Dkt. 191, ECF No. 50; Dkt. 252, ECF No. 48). Plaintiff Jensen opposes the motion and suggests the preliminary injunction is not moot (ECF No. 51 at 8) while Plaintiff Kenney joins in on, and does not object to, the Defendants' requests. (ECF No. 50).

After careful consideration of the parties' arguments, the relevant caselaw, and Senate Bill 3313, the Court, pursuant to Fed. R. Civ. P. 62.1, finds that, if the Circuit Court of Appeals remands this case to this Court's jurisdiction for a limited purpose, this Court would GRANT the Defendants' Motion to Dissolve the Preliminary Injunction because the Cannabis Act, as revised, removed the language this Court concluded violated the U.S. Constitution's Dormant Commerce Clause.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Melissa R. DuBose", is written over a horizontal line.

Melissa R. DuBose
United States District Judge

07/22/2026