

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY EMPLOYEES)
UNION, *et al.*,)

Plaintiffs,)

v.)

MICHAEL CHERTOFF,)
SECRETARY, UNITED STATES)
DEPARTMENT OF HOMELAND)
SECURITY, *et al.*,)

Defendants.)

Civil Action No. 05-201 (RMC)

ORDER

As stated during a Status Conference held in open court on this date, and in accordance with the Court of Appeals’s decision remanding the case, *Nat’l Treasury Employees Union v. Chertoff*, 452 F.3d 839, 868 (D.C. Cir. 2006), it is hereby **ORDERED** that the Court’s August 12, 2005, Order [Dkt. #32] is **MODIFIED** as follows:

a. Judgment in favor of Plaintiffs on Count 3 of the Amended Complaint is **VACATED**; the injunction against implementation of 5 C.F.R. § 9701.706(k)(6) of Subpart G is **DISSOLVED**; and Count 3 of the Amended Complaint is **DISMISSED** without prejudice;

b. The case is **REMANDED** to the Department of Homeland Security and the Office of Personnel Management for further proceedings consistent with the Court of Appeals’s decision;

c. Defendants shall file a status report, no later than **July 17, 2007**, addressing the Agencies’ plans to revise or abandon the regulations enjoined as part of Subpart E; and

d. This Court shall retain jurisdiction over this matter for all purposes.

SO ORDERED.

Signed: October 17, 2006

/s/
ROSEMARY M. COLLYER
United States District Judge