

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KUSUMA NIO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,**

Defendants.

Civil Action No. 17-0998 (ESH)

ORDER

It is hereby

ORDERED that plaintiffs' motion for a preliminary injunction, ECF No. 63, is **GRANTED** for the reasons stated at the hearing held on this date and for the reasons set forth in the Court's opinion granting a preliminary injunction in *Kirwa v. United States Department of Defense*, 17-cv-1793, October 25, 2017, ECF No. 29; it is further

ORDERED that defendants are preliminarily enjoined from implementing Section III of DOD's October 13, 2017 Guidance; it is further

ORDERED that defendants are preliminarily enjoined from decertifying, rescinding, recalling, revoking, or otherwise invalidating plaintiffs' or the class' existing and duly issued Form N-426s, except as related to the conduct of a class member and based on sufficient grounds generally applicable to members of the military for re-characterization of service; and it is further

ORDERED that plaintiffs' motion for a temporary restraining order, ECF No. 63, is

DENIED as moot.

SO ORDERED.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: October 27, 2017