

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

MAHLON KIRWA, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,**

Defendants.

Civil Action No. 17-1793(ESH)

ORDER

For the reasons stated in the accompanying Memorandum Opinion ECF No. 60, it is hereby

ORDERED that defendants' motion for summary judgment, ECF No. 39, is **DENIED WITHOUT PREJUDICE**; it is further

ORDERED that defendants' motion to dismiss, ECF No. 39, with regard to plaintiffs' constitutional substantive-due-process claim contained in Count V is **GRANTED**, and plaintiffs' constitutional substantive-due-process claim is dismissed; and it is further

ORDERED that defendants' motion to dismiss is otherwise **DENIED WITH PREJUDICE**.

The Court will set a scheduling conference by subsequent order.

SO ORDERED.

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

Date: January 11, 2018