

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

LUCAS CALIXTO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
THE ARMY, *et al.*,**

Defendants.

Civil Action No. 18-1551 (ESH)

ORDER

Following the Court's August 13, 2018 conference call, it is hereby

ORDERED that briefing regarding plaintiffs' motion for a preliminary injunction and provisional class certification (ECF No. 20), and plaintiffs' motion for class certification and appointment of class counsel (ECF No. 21) is **STAYED**; it is further

ORDERED that defendants shall file, **on or before August 20, 2018 at 12 p.m.**, a report regarding:

- 1) The status of the Army's policy relating to administrative separation procedures applicable to members of the Delayed Entry Program (DEP) and Delayed Training Program (DTP), including but not limited to any updates that resulted from Marshall Williams' July 20, 2018 memorandum (ECF No. 22-1 at Ex. A),
- 2) The number of MAVNIs who received a discharge order from the U.S. Army Recruiting Command (USAREC) and/or U.S. Army Reserve Command (USARC) and whose discharge order(s) have been revoked and/or whose involuntary separation is under review as a result of the July 20, 2018 memorandum, and

- 3) The Army's timeline for implementation of any new policy, as well as the expected time when discharge or involuntary separation proceedings will be initiated against any DEP or DTP member in accordance with this policy; it is further

ORDERED that defendants shall file status reports with the Court bi-weekly after this August 20, 2018 report, with any updates regarding the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members, as well as any intention to discharge any DEP or DTP member in accordance with this policy; it is further

ORDERED that defendants shall file **under seal, on or before September 4, 2018 at 12 p.m.**, a list of every person who has received a discharge order from the U.S. Army Recruiting Command (USAREC) and/or U.S. Army Reserve Command (USARC) that was effective within the year prior to the July 20, 2018 memorandum (July 20, 2017 through July 20, 2018) who were DTP or DEP MAVNI members and whose discharge order(s) are not expected to be revoked. This report shall specify whether each person's discharge was due to an unfavorable MSSD determination or some other reason, and if some other reason, what that reason was; it is further

ORDERED that defendants shall file with this Court a description of any Army policy relating to the administrative separation procedures applicable to members of the Delayed Entry Program (DEP) and Delayed Training Program (DTP) at least **14 days prior** to any discharge order or separation proceeding initiated in accordance with this policy.



Ellen S. Huvelle

ELLEN S. HUVELLE
United States District Judge

Date: August 13, 2018