

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
KIRK BENOIT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 03-1917 (PLF)
)	
UNITED STATES DEPARTMENT)	
OF AGRICULTURE, <i>et al.</i> , ¹)	
)	
Defendants.)	
_____)	

ORDER AND JUDGMENT

For the reasons stated in the Opinion issued this same day, it is hereby

ORDERED that defendants' Motion to Dismiss Plaintiffs' Complaint Or, in the Alternative, to Transfer Venue [12] is GRANTED in part and DENIED in part; it is

FURTHER ORDERED that the defendants' motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure is GRANTED with respect to plaintiffs' claims under the United States Constitution, Section 1981 of the Civil Rights Act of 1964, the Administrative Procedure Act and the common law of torts; it is

FURTHER ORDERED that the defendants' motion to dismiss for lack of subject matter jurisdiction is converted into a motion for summary judgment under Rule 56 with respect to plaintiffs' claims under Section 741 and the ECOA; it is

¹ The Second Amended Complaint named Ann Veneman, former Secretary of the United States Department of Agriculture, as one of the party defendants. The Court now substitutes her successor, Edward Schafer, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

FURTHER ORDERED that judgment is entered in favor of the defendants on all of the plaintiffs' claims under the Equal Credit Opportunity Act; and it is

FURTHER ORDERED that this case is dismissed from the docket of this Court. This is a final appealable order. See FED. R. APP. P. 4(a).

SO ORDERED.

/s/_____
PAUL L. FRIEDMAN
United States District Judge

DATE: September 8, 2008