

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JEFFREY EISENBEISER, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 04-0615
)	(EGS)
v.)	
)	
MICHAEL CHERTOFF, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is by the Court hereby

ORDERED that in view of the entire record and the Circuit Court's decision in *Fornaro v. James*, 416 F.3d. 63 (D.C. Cir. 2005), issued subsequent to the Court's Order of August 17, 2005, the Court's August 17 Order is **VACATED** and defendant's motion to dismiss is **GRANTED**; and it is

FURTHER ORDERED that plaintiff's complaint is **DISMISSED** without prejudice to further proceedings by plaintiffs in appropriate venues; and it is

FURTHER ORDERED that the Clerk shall enter final judgment in favor of defendant and against plaintiff.

Signed by: EMMET G. SULLIVAN
 UNITED STATES DISTRICT JUDGE
 August 25, 2006