

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

LANNIE PRINCE,

Plaintiff,

v.

**CONDOLEEZA RICE, SECRETARY,
U.S. DEPARTMENT OF STATE,**

Defendant.

Civil Action No. 05-0663 (JDB)

ORDER

Upon consideration of defendant's motion to dismiss, plaintiff's opposition thereto, the entire record herein, and for the reasons stated in the Memorandum Opinion issued on this date, it is hereby

ORDERED that the motion to dismiss is **GRANTED IN PART** and **DENIED IN PART**; it is further

ORDERED that plaintiff's disparate-impact claims pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 (Count I) are **DISMISSED** for failure to state a claim upon which relief can be granted; it is further

ORDERED that plaintiff's disparate-treatment claim (Count II) may proceed only with respect to the allegation that defendant unlawfully denied her the opportunity to compete for a position, and Count II is dismissed in all other respects; it is further

ORDERED that plaintiff's retaliation claim (Count III) may proceed only with respect to her allegation that defendant unlawfully downgraded plaintiff's job responsibilities, and Count III is dismissed in all other respects; it is further

ORDERED that defendant's motion to dismiss plaintiff's claim of intentional infliction of emotional distress (Count IV), converted into a motion for summary judgment, is **GRANTED**, and Count IV is **DISMISSED**; and it is further

ORDERED that defendant shall respond to the surviving portions of the amended complaint pursuant to Fed. R. Civ. P. 12(a)(4) by not later than October 2, 2006.

SO ORDERED.

/s/ John D. Bates
JOHN D. BATES
United States District Judge

Dated: September 18, 2006