

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

---

**GEOFFREY R. McINTYRE,**

**Plaintiff,**

**MARY PETERS, Secretary,  
United States Department of Transportation,**

**Defendant.**

---

**Civil Action No. 05-0664 (ESH)**

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that defendant's motion for summary judgment [#23] is **GRANTED IN PART**, and plaintiff's claim concerning retaliation is dismissed; and it is

**FURTHER ORDERED** that defendant's motion for summary judgment [#23] is otherwise **DENIED IN PART**, and plaintiff may proceed with his claims concerning race and age discrimination; and it is

**FURTHER ORDERED** that plaintiff's motion for leave to file a surreply [#33] is **GRANTED**; and it is

**FURTHER ORDERED** that plaintiff's motion to strike defendant's response to plaintiff's statement of facts [#33] is **DENIED**; and it is

**FURTHER ORDERED** that a status conference is set for December 11, 2006 at 2:00 p.m.

                  /s/                    
**ELLEN SEGAL HUVELLE**  
United States District Judge

Date: November 6, 2006