UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CENTER FOR BIOLOGICAL DIVERSITY,	)	
Plaintiff,	)	
v.	)	**Civil Action No. 05-1045 (RMC)**
CARLOS GUTIERREZ,	)	
Secretary, Department of Commerce, *et al.*,	)	
Defendants.	)	

ORDER

For the reasons stated in the Memorandum Opinion filed concurrently herewith, it is hereby

ORDERED that Defendants' Motion to Dismiss [Dkt. #11] is **GRANTED**; and it is

FURTHER ORDERED that Defendants' Motion for Summary Judgment [Dkt. #11] is **GRANTED** in part and **DENIED** without prejudice in part; and it is

FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Dkt. #14] is **DENIED** without prejudice; and it is

FURTHER ORDERED that Counts I, IV, and V of Plaintiff's First Amended Complaint are **DISMISSED**; and it is

FURTHER ORDERED that the parties shall confer and jointly submit to the Court, no later than **August 25, 2006**, a proposed schedule to govern further proceedings in this matter.

SO ORDERED.

Date: August 10, 2006

/s/
ROSEMARY M. COLLYER
United States District Judge