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WILLIE CACHO, M.D.,)	
Commander, U.S. Public Health Service,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-00292 (ESH)
)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security,)	
)	
Defendant.)	
)	

For the reasons explained in the accompanying Memorandum Opinion, defendant's "Motion to Dismiss or, In the Alternative, for Summary Judgment" [Nos. 8, 9] is hereby **DENIED IN PART**, and **GRANTED IN PART**. It is hereby

s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: November 27, 2006