UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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DANIEL SUDNICK, Plaintiff, v. DEPARTMENT OF DEFENSE and JOHN A. SHAW, Defendants.

Civil Action No. 06-0654 (ESH)

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, defendant John A.

Shaw's Motion to Dismiss the Amended Complaint [Dkt. # 40] is hereby GRANTED as to

Counts IV and V and DENIED as to Counts VI and VII. It is hereby

ORDERED that Counts IV and V of the amended complaint are **DISMISSED WITH**

PREJUDICE.

SO ORDERED.

/s/

ELLEN SEGAL HUVELLE United States District Judge

Date: February 8, 2007