

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED MINE WORKERS OF
AMERICA, INTERNATIONAL UNION,

Plaintiff,

v.

DAVID DYE, Acting Assistant Secretary,
Mine Safety and Health Administration,
U.S. Department of Labor,

Defendant.

Civil Action No. 06-1053 (JDB)

ORDER

Upon consideration of [#2] plaintiff's motion for preliminary injunction and [#6] defendant's motion to dismiss, and for the reasons stated in the memorandum opinion issued on this date, it is hereby

ORDERED that defendant's motion to dismiss is **GRANTED**; and it is further

ORDERED that plaintiff's motion for preliminary injunction is **DENIED**.

/s/

JOHN D. BATES
United States District Judge

Date: August 23, 2006