

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT LEPELLETIER, JR.,

Plaintiff,

v.

U.S. DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Civil Case No. 09-1119 (RJL)

MEMORANDUM ORDER

(October 22, 2009) [# 16]

This case involves plaintiff Lepelletier's attempt to obtain declaratory and injunctive relief to settle a nearly forty-year-old student loan. To this end, Lepelletier has moved for a preliminary injunction to prevent the United States Department of Education ("Education") from employing any collection agency to try and recover the disputed debt from Lepelletier. Education opposes the motion. After consideration of the pleadings, the relevant caselaw, and the entire record herein, Lepelletier's Motion for a Preliminary Injunction is DENIED.¹

Lepelletier's motion must fail because the Government has not waived the Department of Education's sovereign immunity as to injunctive relief.

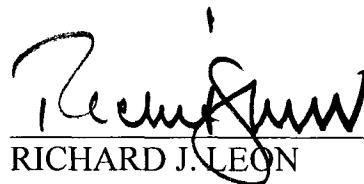
Specifically, the Higher Education Act provides that "no attachment, *injunction*,

¹ Plaintiff has not requested a hearing on the motion, and the Court finds that such a hearing is unnecessary. Pursuant to LCvR 65.1(d), this Order timely resolves plaintiff's motion on the parties' papers.

garnishment, or other similar process, mesne or final, shall be issued against the Secretary or property under the Secretary's control. . . ." 20 U.S.C. § 1082(a)(2) (emphasis added). Accordingly, the Court lacks jurisdiction over Lepelletier's claims for injunctive relief. *See, e.g., Thomas v. Bennett*, 856 F.2d 1165, 1168 (8th Cir. 1988) (finding that the Higher Education Act prevented claims against the Secretary of Education for injunctive relief, but not for declaratory relief); *see also Green v. United States*, 163 F.Supp. 2d 593, 597 (W.D.N.C. 2000) (holding that the Department of Education is immune from suits for injunctive relief).

Thus, it is, this 22nd day of October, 2009, hereby **ORDERED** that plaintiff's Motion for a Preliminary Injunction [# 16] is **DENIED**.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Richard J. Leon", written over a horizontal line.

RICHARD J. LEON
United States District Judge