

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MAHLON KIRWA, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,**

Defendants.

Civil Action No. 17-1793(ESH)

AMENDED ORDER

In response to defendants' motion for clarification, ECF No. 30, of the Court's prior Order granting preliminary injunctive relief, ECF No. 28, the Court issues this Amended Order granting preliminary injunctive relief.

It is hereby

ORDERED that defendants are preliminarily enjoined from refusing to sign and issue Form N-426s to members of the Selected Reserve pursuant to Section II of DOD's October 13, 2017 Guidance; it is further

ORDERED that defendants are preliminarily enjoined from refusing to certify MAVNI enlistees who have served for one day or more in the Selected Reserve as having honorable service, except as related to the conduct of an individual plaintiff or class member as reflected in that soldier's service record and based on sufficient grounds generally applicable to all members of the military; it is further

ORDERED that, after members of the provisionally-certified class submit or resubmit

N-426s to their military officer ranked O6 or higher, defendants should use their best efforts to certify or deny Form N-426s, as was done for the *Nio* plaintiffs, within two business days of receipt of Form N-426; it is further

ORDERED that for purposes of the preliminary injunction the Court provisionally certifies a class that includes (1) MAVNI enlistees, (2) who enlisted prior to October 13, 2017, (3) who have served in the Selected Reserve, and (4) not received a completed Form N-426; it is further

ORDERED that plaintiffs Mahlon Kirwa, Santhosh Meenhallimath, and Ashok Viswanathan are provisionally certified as representatives of the class pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure; and it is further

ORDERED that plaintiffs' counsel is appointed to represent the provisional class.

SO ORDERED.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: October 27, 2017