

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

LUCAS CALIXTO, *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF THE ARMY, *et al.*,

Defendants.

Civil Action No. 18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on August 13, 2018 (ECF No. 23), Defendants respectfully submit this bi-weekly status report.

1. The Court ordered Defendants to file bi-weekly status reports with any updates regarding the Army's policy on administrative separation procedures applicable to Delayed Entry Program ("DEP") and Delayed Training Program ("DTP") members, as well as any intention to separate any DEP or DTP member in accordance with this policy. ECF No. 23.

2. On October 31, 2018, in accordance with the Court's Order entered on October 17, 2018, Defendants filed a copy of the Army's new policy memorandum on administrative separation procedures applicable to members of the DEP and DTP who received or will receive an unfavorable Military Service Suitability Determination ("MSSD"), dated October 26, 2018 (ECF No. 50-1).

3. As of the date of this report, no administrative separations have been initiated in accordance with the October 26, 2018 policy memorandum. The Army has initiated the process of notifying former members of the DEP and DTP who were separated before July 20, 2018 due to an unfavorable MSSD resulting from a documented Counterintelligence concern that they are

being offered reinstatement in the DEP/DTP for purposes of receiving the administrative due process described in the October 26, 2018 policy memorandum.

Dated: January 7, 2019

Respectfully submitted,

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for the District of Columbia

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CERTIFICATE OF SERVICE

I certify that on this 7th day of January 2019, I served the foregoing Defendants' Status Report upon counsel for Plaintiffs by filing said document using the Court's Electronic Case Filing System.

Dated: January 7, 2019

/s/ Roberto C. Martens, Jr.
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