

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**INDIAN EDUCATORS FEDERATION
Local 4524 of the American Federation of
Teachers, AFL-CIO,**

Plaintiff,

v.

**DIRK KEMPTHORNE,
Secretary, United States Department
of the Interior,**

Defendant.

Civil No. 04-01215 (TFH)

AMENDED FINAL ORDER AND DECLARATORY JUDGMENT

Pending before the Court is a Motion For Entry Of Final Judgment [Docket No. 28] that was filed by the defendant, Secretary of the Interior Dirk Kempthorne, and a Motion For A Permanent Injunction [Docket No. 29] that was filed by the plaintiff, Indian Educators Federation. For the reasons set forth in the accompanying Memorandum Opinion and the Memorandum Opinion issued on March 31, 2008, it hereby is

ORDERED that the defendant's Motion For Entry Of Final Judgment [Docket No. 28] is **GRANTED**. It also is

ORDERED that the plaintiff's Motion For A Permanent Injunction [Docket No. 29] is **DENIED**. It further is

DECLARED AND ADJUDGED that the employment preference for American Indians set forth in Section 12 of the Indian Reorganization Act, 48 Stat. 986 (codified at 25 U.S.C. § 472), applies to all positions in the Office of the Special Trustee for American Indians and the Office of the Assistant Secretary – Indian Affairs that primarily and directly relate to the provision of services to Indians.¹ Finally, it is

ORDERED that the Clerk of the Court remove Civil Action No. 04-01215 from the docket of this Court. This is a final appealable order. *See* Fed. R. App. P. 4(a).

SO ORDERED.

December 12, 2008

/s/ Thomas F. Hogan
Thomas F. Hogan
United States District Judge

¹ Pursuant to Fed. R. Civ. P. 60(a), this order is amended to remove the words “when filled by the appointment of Indians” from this sentence, which is the only change made to the order.