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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK MUNNS, et al.,

Plaintiffs,

v.

HILLARY DIANE RODHAM CLINTON,
in her official capacity as United States
Secretary of State, et al.,

Defendants.

No. 2:10-cv-00681-MCE-EFB

ORDER

On March 27, 2012, this Court granted without leave to amend the Government Defendants' Motion to Dismiss. ECF No. 53. Plaintiffs thereafter voluntarily dismissed their claims against all remaining Defendants and perfected an appeal. ECF Nos. 54, 66, 69. In March of this year, the Ninth Circuit Court of Appeals issued its decision affirming this Court's "dismissal of the plaintiffs' equitable claims due to lack of standing and their federal benefits claims due to lack of jurisdiction." Munns v. Kerry, 782 F.3d 402, 415 (2015). The appellate court vacated and remanded, however, as to the "dismissal of the due process and takings claims for withheld backpay and insurance proceeds" and directed this Court "to sever [those] claims from the remainder of the case, and to transfer them to the Court of Federal Claims." Id.¹

¹ The formal mandate has since been issued. ECF No. 75.

1 Accordingly, in keeping with the appellate court's directive, Plaintiffs' due process
2 and takings claims are hereby SEVERED from the remainder of this case. The Clerk of
3 the Court is directed to TRANSFER those claims to the United States Court of Federal
4 Claims and to close this case.

5 IT IS SO ORDERED.

6 Dated: November 9, 2015

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9 MORRISON C. ENGLAND, JR., CHIEF JUDGE
10 UNITED STATES DISTRICT COURT

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