

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 05-cv-00018-RPM

FORT PECK HOUSING AUTHORITY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD),  
SHAUN DONOVAN, Secretary of Housing and Urban Development,  
SANDRA HENRIQUEZ, Assistant Secretary for Public and Indian Housing,

Defendants

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FINAL JUDGMENT

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Pursuant to the Findings, Conclusions and Order for Judgment entered by Senior District Judge Richard P. Matsch on August , 2014, it is

ORDERED that the Defendants shall restore to Plaintiff Fort Peck Housing Authority the amount of \$513,354, for Indian Housing Block Grant (“IHBG”) funds that were recaptured illegally from the Plaintiff for fiscal years 1998 through 2002. Any such restoration shall be in addition to the full IHBG allocation that would otherwise be due to the Plaintiff under the Native American Housing Assistance and Self-Determination Act (“NAHASDA”) in a given fiscal year as calculated without application of the amount of the Judgment; it is

FURTHER ORDERED that Defendants shall make restoration of the IHBG funds from all available sources, including, but not limited to, IHBG funds carried forward from previous grant years and IHBG funds appropriated in future grant years; it is

FURTHER ORDERED that the restoration of funds to the Plaintiff shall be completed as soon as administratively feasible, but in no event later than eighteen (18) months from the date of Judgment; it is

FURTHER ORDERED that with respect to grant funding for fiscal years through and including 2008, the Defendants shall refrain from threatening or implementing any recapture of IHBG funds from the Plaintiff and shall not act upon any threatened recapture without first complying with the requirements of Section 401(a) of the NAHASDA [25 U.S.C. § 4161(a)] as that subsection existed prior to the effective date of Public Law 110-411, and it is

FURTHER ORDERED that the Plaintiff is awarded its costs to be taxed upon the filing of a Bill of Costs pursuant to D.C.COLO.LCivR 54.1.

Date: August 6, 2014

FOR THE COURT:

JEFFREY P. COLWELL, CLERK OF THE COURT

s/M. V. Wentz

By: \_\_\_\_\_  
Deputy Clerk

APPROVED:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge