

**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)**

**ORDER**

Before the Court is plaintiffs' Motion for a Preliminary Injunction and provisional class certification. (Pls.' Mot. for a Prelim. Inj., Sept. 19, 2017, ECF No. 11.) For the reasons stated in an accompanying Memorandum Opinion, ECF No. 29, it is hereby

**ORDERED** that the motion is **GRANTED**; it is further

**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 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 the 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 25, 2017