

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 & URBAN DEVELOPMENT,
ALPHONSO JACKSON, Secretary of Housing and Urban Development, and
MICHAEL LIU, Assistant Secretary for Public and Indian Housing,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO AMEND JUDGMENT

On June 9, 2006, the defendants moved to amend this Court's judgment entered on May 25, 2006, pursuant to the Memorandum Opinion and Order of May 25, 2006. In that Memorandum Opinion, this Court ordered that the findings and conclusions set forth in Assistant Secretary Liu's letter of March 24, 2004, are set aside and in the Judgment, declared 24 C.F.R. § 1000.318 invalid. The Court further directed that all Mutual Help and Turnkey units the plaintiff owned or operated pursuant to an Annual Contributions Contract as of September 30, 1997, must be included in the formula for determining its allocation of the annual Congressional appropriation for Indian Housing Block Grants. Finally, the defendants were directed to take such administrative action as necessary to implement the ruling. The defendants' motion addresses the question of the scope of this Court's declaratory judgment and the extent of the requirement that the defendants take administrative action as necessary to implement the ruling. The

defendants are in the process of allocating the appropriation for Indian Housing Block Grants for fiscal year 2006. It being the view of this Court that because this action was not certified as a class action and because other Indian tribes are not parties in this case and have had no opportunity to take a position with respect to the validity of the rule as it affects them, the Court's order does not extend beyond Fort Peck Housing Authority and the defendants' allocation as to it for the years in question, the current year and future years. It is therefore

ORDERED that the Judgment entered on May 25th, 2006, is modified to limit the requirement that the United States Department of Housing and Urban Development take such administrative action as necessary to implement the Court's ruling is limited to Fort Peck Housing Authority.

Dated: June 30, 2006

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge