

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
MISTICK PBT d/b/a MISTICK)	
CONSTRUCTION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-1767 (RCL)
)	
ELAINE CHAO, SECRETARY,)	
U.S. DEPARTMENT OF LABOR)	
)	
Defendant.)	
_____)	

ORDER

Upon consideration of defendant’s Motion to Dismiss [#9], plaintiff’s Opposition thereto [#12], defendant’s reply in support of its Motion to Dismiss [#18], the applicable law, the administrative record, the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that defendant’s Motion to Dismiss and in the alternative for Summary Judgment is **GRANTED**. Plaintiff’s suit is hereby dismissed with prejudice.

It is further **ORDERED** that plaintiff’s Cross-Motion for Summary Judgment [#13] is **DENIED**.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge on July 27, 2004.