IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EDWARD A. KILEY, et al.	:	
Plaintiffs,	:	
	:	
	:	
v.	:	**CIVIL NO. L-03-3100**
	:	
	:	
FEDERAL BUREAU OF PRISONS,	:	
et al.	:	
Defendants.	:	
	:	

ORDER

For the reasons stated in the Memorandum of even date, the Court hereby:

(i) GRANTS the BOP's motion for summary judgment as to Count One (notice and comment), Count Three (Retroactivity) as it applies to Haspert, Count Four (Ex Post Facto), Count Five (Equal Protection), and Count Six (Due Process) of the Amended Complaint;

(ii) DENIES the BOP's motion for summary judgment as to Count Two (not in accordance with governing law), and Count Three (retroactivity) as it applies to Kiley, of the Amended Complaint; and

(iii) ORDERS the BOP to REVISIT the designations of Kiley and Haspert using the pre-December 2002 discretionary standard.

Dated this 2d day of September, 2004.

/S/
Benson Everett Legg
Chief Judge