

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

NICHOLAS HARRISON, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	1:18-cv-641 (LMB/IDD)
)	
LLOYD J. AUSTIN, Secretary of Defense, <u>et al.</u> ,)	
)	
Defendants.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, Plaintiffs’ Motion for Summary Judgment [Dkt. No. 256] is GRANTED, Defendants’ Cross-Motion for Summary Judgment [Dkt. No. 263] is DENIED, and it is hereby

ORDERED, ADJUDGED, and DECREED that defendants be and are ENJOINED from denying the application of plaintiff Nicholas Harrison and any other asymptomatic HIV-positive service member with an undetectable viral load to commission as officers because they are classified as ineligible for worldwide deployment or deployment to the United States Central Command (“CENTCOM”) due to their HIV-positive status; and it is further

ORDERED that the Secretary of the Army rescind her decision denying Harrison’s application to commission in the Judge Advocate General Corps for the District of Columbia National Guard and reevaluate that application in a manner consistent with the injunctive relief awarded to plaintiffs in this Order; and it is further

ORDERED that the parties meet and confer to determine whether they can resolve the amount of attorneys’ fees and expenses to which plaintiffs’ counsel are entitled and provide a joint status report on this issue within thirty (30) days; and it is further

ORDERED that, because the Memorandum Opinion relied on materials that were filed under seal, the parties meet and confer and inform the Court within fourteen (14) days of any portions of this Memorandum Opinion that must be redacted. Redactions should be minimal given the public's right to access court opinions.

The Clerk is directed to forward copies of this Order and accompanying Memorandum Opinion to counsel of record and maintain the Memorandum Opinion under seal until further Order of the Court.

Entered this 6th day of April, 2022.

Alexandria, Virginia

Handwritten signature of Leonie M. Brinkema in black ink, consisting of the initials 'LMB' in a stylized, cursive font.

Leonie M. Brinkema
United States District Judge