

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

RICHARD ROE, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:18-cv-1565 (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. 269] is GRANTED, Defendants’ Cross-Motion for Summary Judgment [Dkt. No. 275] is DENIED, and it is hereby

ORDERED, ADJUDGED, and DECREED that defendants be and are ENJOINED from separating or discharging Richard Roe, Victor Voe, and any other asymptomatic HIV-positive service member with an undetectable viral load 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 Air Force rescind his decisions to discharge Roe and Voe and reevaluate those decisions 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 6<sup>th</sup> day of April, 2022.

Alexandria, Virginia

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**Leonie M. Brinkema**  
**United States District Judge**