

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13th day of August, two thousand and ten.

PRESENT: ROGER J. MINER,
JOSÉ A. CABRANES,
RICHARD C. WESLEY,
Circuit Judges.



ACORN, ACORN Institute, Inc., and MHANY Management, Inc.,
f/k/a New York Acorn Housing Company, Inc.,

Plaintiffs-Appellees,

- v. -

JUDGMENT

Docket No. 09-5172-cv (L)
10-0992-cv (CON)

United States of America, Shaun Donovan, Secretary of the Department of Housing and Urban Development, Peter Orszag, Director Office of Management and Budget, Timothy R. Geithner Jr., Secretary of the Department of Treasury of the United States, Lisa P. Jackson, Administrator of the Environmental Protection Agency; Gary Locke, Secretary of Commerce; and Robert Gates, Secretary of Defense.

Defendants-Appellants.

The appeals in the above-captioned case from the United States District Court for the Eastern District of New York was argued on the district court record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the District Court is AFFIRMED in part and VACATED in part, and the case is REMANDED for further proceedings as to the plaintiffs' First Amendment and due process claims.

FOR THE COURT,
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe



Joy Fallek, Administrative Attorney