

Alexandria Division

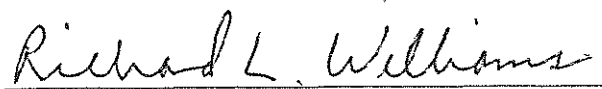
DONALD H. LAJOIE, :
 :
 : Petitioner, :
 :
 v. : CIVIL ACTION NO. 81-365-A
 :
 : CASPAR W. WEINBERGER, :
 :
 : Respondents. :
 :

O R D E R

In consideration of the respondents motion for summary judgment and the petitioner's renewed motion for an evidentiary hearing, it is ORDERED that the respondents' motion is denied and the petitioner's motion is granted on the grounds that there are material issues of fact in dispute, and an evidentiary hearing is ORDERED to consider whether the respondents' decision to retain petitioner at the Naval Station in Rota, Spain was proper under Orloff v. Willoughby, 345 U.S. 83 (1952) and Williams v. Rogers, 449 F.2d 513 (8th Cir. 1971).

It is further ORDERED that the respondents produce the petitioner at that hearing.

The Clerk is instructed to mail a copy of this order to counsel for the parties and to arrange a time certain as soon as possible for the hearing ordered by the court.



UNITED STATES DISTRICT JUDGE

Date: June 22, 1981