

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

Civil Action No.

v.

B:08-cv-487 (HGT)

FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA),
Defendant.

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

Before the Court is Plaintiffs' motion for partial summary judgment, Dkt. No. 28. Having considered the undisputed facts of record and the parties' arguments on the law, the Court GRANTS the motion, for Plaintiffs' have shown that this judgment is appropriate under Rule 56. The Court therefore ORDERS that:

(1) Each order entered by Defendant Federal Emergency Management (FEMA) in Disaster No. 1780 which denies an application for home repair assistance under 42 U.S.C. § 5174(c)(2) in whole or in part because of what FEMA labels "deferred maintenance" is hereby VACATED;

(2) Each order above is REMANDED to FEMA for reconsideration without application of a deferred maintenance rule. The Court expects FEMA to provide notice and appeal from its reconsideration as in the ordinary course of FEMA business.

Remaining for the Court's consideration in this case is implementation of the Court's preliminary injunction in Dkt. No. 22.

DONE this _____ day of _____, 2009.

Hon. Hilda G. Tagle
United States District Judge