

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Donald Edward BEATY, Daniel Wayne COOK,  
Eric J. KING, Brett Patrick PENSINGER, and  
Stephen Michael WEST,

Plaintiffs,

v.

FOOD AND DRUG ADMINISTRATION, UNITED  
STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, Kathleen SEBELIUS, and  
Margaret A. HAMBURG, M.D.,

Defendants.

Civil Action No. 1:11-cv-00289 (RJL)

ECF Case

**FILED**

JUN 22 2012

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**ORDER**

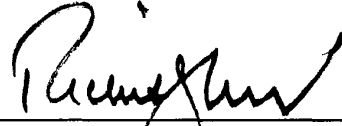
Upon consideration of the Unopposed Motion to Dismiss Count II, Enter Final Judgment,  
and Make Certain Modifications to the Court's Injunction filed by Plaintiffs in the above-  
captioned matter, it is this 22 day of June, 2012,

**ORDERED**, that the Motion is GRANTED, and it is further,

**ORDERED**, pursuant to Federal Rule of Civil Procedure 41(a)(2) that Count II of  
Plaintiffs' First Amended Complaint is dismissed without prejudice; and it is further,

**ORDERED**, that the sentence of the Order dated March 27, 2012 (Dkt. No. 24),  
stating that FDA is "permanently enjoined from permitting the entry of, or releasing  
any future shipments of, foreign manufactured thiopental into interstate commerce" is  
hereby modified to read, "permanently enjoined from permitting the entry of, or  
releasing any future shipments of, foreign manufactured thiopental that appears to be  
misbranded or in violation of 21 U.S.C. §§ 355," and it is further,

**ORDERED**, pursuant to Federal Rule of Civil Procedure 54(b) that the Clerk shall enter final judgment disposing of this action in its entirety.

A handwritten signature in black ink, appearing to read "Richard J. Leon", written over a horizontal line.

Hon. Richard J. Leon  
United States District Court Judge