

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AL-OSHAN *et al.*, :
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 :
 Petitioners/Plaintiffs, :
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 :
 v. : Civil Action No.: 05-0520 (RMU)
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 :
 BUSH *et al.*, :
 :
 :
 Respondents/Defendants. :
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TUNAMI *et al.*, :
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 :
 Petitioners/Plaintiffs, :
 :
 :
 v. : Civil Action No.: 05-0526 (RMU)
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 :
 BUSH *et al.*, :
 :
 :
 Respondents/Defendants. :
 :
 :

SOHAIL, :
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 :
 Petitioner/Plaintiff, :
 :
 :
 v. : Civil Action No.: 05-0993 (RMU)
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 :
 BUSH *et al.*, :
 :
 :
 Respondent/Defendants. :
 :
 :

AL-KARIM *et al.*, :
 :
 Petitioners/Plaintiffs, :
 :
 v. : Civil Action No.: 05-0998 (RMU)
 :
 BUSH *et al.*, :
 :
 Respondents/Defendants. :
 :

AL-HELA *et al.*, :
 :
 Petitioners/Plaintiffs, :
 :
 v. : Civil Action No.: 05-1048 (RMU)
 :
 BUSH *et al.*, :
 :
 Respondents/Defendants. :
 :

ZALITA *et al.*, :
 :
 Petitioners/Plaintiffs, :
 :
 v. : Civil Action No.: 05-1220 (RMU)
 :
 BUSH *et al.*, :
 :
 Respondents/Defendants. :
 :

AL-HATIM *et al.*,
Petitioners/Plaintiffs,
v.
BUSH *et al.*,
Respondents/Defendants.

Civil Action No.: 05-1429 (RMU)

KIYEMBA *et al.*,
Petitioners/Plaintiffs,
v.
BUSH *et al.*,
Respondents/Defendants.

Civil Action No.: 05-1509 (RMU)

RABBANI *et al.*,
Petitioners/Plaintiffs,
v.
BUSH *et al.*,
Respondents/Defendants.

Civil Action No.: 05-1607 (RMU)

NASEER <i>et al.</i> ,	:	
	:	
Petitioners/Plaintiffs,	:	
	:	
v.	:	Civil Action No.: 06-1689 (RMU)
	:	
BUSH <i>et al.</i> ,	:	
	:	
Respondents/Defendants.	:	

AL-ZARNOUQI <i>et al.</i> ,	:	
	:	
Petitioners/Plaintiffs,	:	
	:	
v.	:	Civil Action No.: 06-1767 (RMU)
	:	
BUSH <i>et al.</i> ,	:	
	:	
Respondents/Defendants.	:	

MEMORANDUM ORDER

**GRANTING THE PETITIONERS’ MOTIONS FOR RECONSIDERATION;
VACATING THE COURT’S ORDER DISMISSING THE CASES; STAYING THE CASES; AND
DIRECTING THAT THE PROTECTIVE ORDER AND COUNSEL ACCESS RULES
REMAIN IN EFFECT FOR THE DURATION OF THE STAY**

On September 20, 2007, this court dismissed these cases pursuant to the D.C. Circuit decision in *Boumediene v. Bush*, 476 F.3d 981 (D.C. Cir. 2007), *cert. granted*, 127 S. Ct. 3078 (U.S. June 29, 2007) (No. 06-1195). In so doing, the court relied on the Circuit’s conclusion that the district courts lack jurisdiction over the petitioners’ cases. Order (Sept. 20, 2007). In the

week following the court's order, many of the petitioners moved the court to reconsider this order of dismissal.

Upon careful consideration of the petitioners' concerns and the government's responses, this court determines the appropriate course of action is to vacate its dismissal and stay the above-captioned cases. Such action maintains the status quo ante with regard to counsel's access to the petitioners,¹ aligns the court with recent decisions in related cases,² and harmonizes jurisdictional questions between this court and the D.C. Circuit.³ Accordingly, it is this 5th day of October, hereby

ORDERED that the petitioners' motions for reconsideration are **GRANTED**; and it is

FURTHER ORDERED that the court's order dismissing the cases is **VACATED**; and it is

ORDERED that the cases are **STAYED**; and it is

FURTHER ORDERED that the protective orders and counsel access rules remain in effect for the duration of the stay.

¹ This court expresses no small concern over the Department of Justice precipitously disrupting petitioners' access to their counsel.

² As Judge Kessler has recently noted, the extraordinary procedural dispositions in *Boumediene* "cast a deep shadow of uncertainty" over this court's jurisdiction to resolve the petitioners' claims. *Ruzatullah v. Gates*, No. 06-1707, Order at 5 (Oct. 2, 2007).

³ On September 7, 2007, the D.C. Circuit recalled its mandate in *Kiyemba v. Bush*, No. 05-11509, directing the Clerk of the United States District Court for the District of Columbia to "return forthwith . . . the mandate issued May 10, 2007." *E.g.*, *Naseer v. Bush*, Mot. for Reconsider., Ex. D. Even though *Kiyemba* was before this court in the first instance, the first notice the court received of the recalled mandate was in the form of an exhibit to the petitioners' motions for reconsideration. *Id.* It should come as no surprise that expeditious and accurate docket management is hindered by the absence of information upon which the court can be expected to rely when disposing of cases.

SO ORDERED.

RICARDO M. URBINA
United States District Judge