

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-5265

September Term 2009

1:06-cv-01669-JDB

Filed On: July 23, 2010

Fadi Al Maqaleh, Detainee and Ahmad Al
Maqaleh, as Next Friend of Fadi Al Maqaleh,

Appellees

v.

Robert M. Gates, Secretary, United States
Department of Defense, et al.,

Appellants

Consolidated with 09-5266, 09-5267

BEFORE: Sentelle, Chief Judge, Tatel, Circuit Judge, and Edwards, Senior
Circuit Judge

ORDER

Upon consideration of appellees' petition for panel rehearing filed on July 6, 2010, it
is

ORDERED that the petition be denied. In support of their petition for panel
rehearing, appellees, citing evidence not in the record, argue that the government's decision
to transfer the Bagram prison facility to Afghan control undermines the rationale of our May
21, 2010, decision. Our denial of this petition is without prejudice to appellees' ability to
present this evidence to the district court in the first instance.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk