

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-1067

September Term 2009

ISN-766

Filed On: August 4, 2010

In re: Omar Khadr,

Petitioner

BEFORE: Henderson, Tatel, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the petition for a writ of mandamus and writ of prohibition, the motion for a stay of the military commission proceedings pending consideration of the petition, the combined opposition to the petition and motion for a stay, and the reply, consideration of which had been deferred by a prior panel in light of the uncertainty of a trial date; the motion to amend the petition for a writ of mandamus and writ of prohibition, and the lodged amended petition for a writ of mandamus and writ of prohibition, it is

ORDERED that the motion to amend the petition be granted. The Clerk is directed to file the lodged amended petition. It is

FURTHER ORDERED that the amended petition for a writ of mandamus and writ of prohibition be denied. Petitioner has an adequate alternative to seeking a writ of mandamus, because he may challenge the constitutionality of the Military Commissions Act on appeal after a final judgment. In addition, he has failed to demonstrate that his right to the relief requested is "clear and indisputable." See Allied Chemical Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); In re: GTE Service Corp., 762 F.2d 1024, 1026-27 (D.C. Cir. 1985). It is

FURTHER ORDERED that the motion for a stay of the military commission proceedings pending consideration of the petition be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk