

[ORAL ARGUMENT NOT SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MAHMOUD ABDAH et al.,	)	
Petitioners-Appellees,	)	
	)	
v.	)	No. 05-5224
	)	
BARACK OBAMA et al.,	)	
Respondents-Appellants.	)	

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Consolidated with 05-5225, 05-5227,05-5229,  
05-5230, 05-5232, 05-5235, 05-5236, 05-5237,  
05-5238, 05-5239, 05-5242, 05-5243, 05-5244,  
05-5246, 05-5248, 05-5337, 05-5338, 05-5374,  
05-5390, 05-5398, 05-5478, 05-5479, 05-5484,  
05-5486, 06-5037, 06-5041, 06-5043, 06-5062,  
06-5065, 06-5094.

**RESPONDENTS' REPLY TO PETITIONERS' RESPONSE TO  
ORDER TO SHOW CAUSE AND OPPOSITION TO PETITIONERS'  
MOTION TO HOLD CASES IN ABEYANCE**

On July 23, 2010, this Court ordered petitioners to show cause why the district court's orders requiring notice prior to transfer should not be vacated in light of *Kiyemba v. Obama*, 561 F.3d 509 (D.C. Cir. 2009) ("*Kiyemba II*"), *cert. denied*, 130 S. Ct. 1880 (2010). Petitioners filed a consolidated response requesting that this Court continue to hold these cases in abeyance or, alternatively, maintain the orders and remand for consideration of new evidence. Respondents hereby reply and submit that the district court orders should be vacated. The issues in these consolidated cases were settled by this Court in April 2009 in *Kiyemba II*, and both this Court and the Supreme Court have since refused to reconsider or further review that holding.

1. As respondents' prior filings explain, *Kiyemba II* mandates reversal here. *Kiyemba II* "precludes the district court from barring the transfer of a Guantanamo detainee on the ground that he is likely to be tortured or subject to further prosecution or detention in the recipient country" where, as here, the Executive's sworn declarations state that the Executive will not transfer a detainee to a country where it is determined that the detainee is more likely than not to face torture. *Kiyemba II*, 561 F.3d at 516; *see also Kiyemba v. Obama*, 605 F.3d 1046, 1048 (D.C. Cir. 2010). This Court denied the petition for rehearing en banc in *Kiyemba II*, and the Supreme Court likewise denied a petition for a writ of certiorari from this Court's ruling.

This Court recently reaffirmed *Kiyemba II* in *Mohammed v. Obama* and *Naji*

*v. Obama*, holding in *Mohammed* that, “[u]nder *Kiyemba II*, . . . the district court may not prevent the transfer of a Guantanamo detainee when the government has determined that it is more likely than not that the detainee will not be tortured in the recipient country.” *Mohammed v. Obama*, D.C. Cir. No. 10-5218 (Order of July 8, 2010, at 1) (unpublished) [attached as Ex. A]; *Naji v. Obama*, D.C. Cir. No. 10-5191 (Order of July 16, 2010) [attached as Ex. B].<sup>1</sup> And just days ago, this Court applied *Kiyemba II* to vacate notice orders like the orders at issue in these cases. See *Khadr v. Obama*, D.C. Cir. No. 08-5233 & consolidated cases (Order of Sept. 3, 2010) (unpublished) [attached as Ex. C]; *Paracha v. Obama*, D.C. Cir. No. 05-5334 (Order of Sept. 3, 2010) (unpublished) [attached as Ex. D]. *Kiyemba II*, *Mohammed*, *Naji*, *Khadr*, and *Paracha* are not materially distinguishable from the present cases and mandate reversal of the district court orders on appeal.

2. In spite of this well-established binding precedent, petitioners ask this Court to continue to hold their cases in abeyance pending this Court’s ruling on petitioners’ August 23, 2010, petition for initial en banc hearing, which yet again asks this Court to overrule *Kiyemba II*. Resp. 1. But this Court not only denied en banc review in

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<sup>1</sup> In both *Mohammed* and *Naji*, the Supreme Court denied the petitioners’ applications for stays pending the filing and disposition of certiorari petitions. See *Mohammed v. Obama*, No. 10A52, 2010 WL 2795602, at \*1 (S. Ct. July 16, 2010); *Naji v. Obama*, No. 10A70, 2010 WL 2801730, at \*1 (S. Ct. July 16, 2010).

*Kiyemba II*, it also recently denied a similar request for initial en banc hearing in *Ben Bacha v. Copeman*. See D.C. Cir. No. 08-5350 (Order of June 3, 2010) [attached as Ex. E]. In light of this Court's denial of initial en banc hearing in *Ben Bacha* in June, its recent reaffirmations of *Kiyemba II* in July and September, and the Supreme Court's refusal to stay this Court's mandate in *Mohammed* and *Naji*, there is no substantial likelihood that this Court will grant initial en banc hearing in these cases. *Kiyemba II* is settled precedent, and as this Court's recent rulings in *Khadr* and *Paracha* suggest, further delay in implementing *Kiyemba II* to resolve these cases is unwarranted. See *Kiyemba II*, 561 F.3d at 513 n.3 (applying *Belbacha v. Bush*, 520 F.3d 452, 457 (D.C. Cir. 2008), to hold that preservation of the status quo pending resolution of another case is inappropriate if the four preliminary injunction criteria are not satisfied and concluding that there, as here, those criteria were not met).

3. Petitioners contend, in the alternative, that this Court should maintain the injunctions and remand to the district court to consider whether the court "may enjoin detainee transfers to 'places where the writ does not run' for detention 'on behalf of the United States.'" Resp. 2 (quoting *Kiyemba II*, 561 F.3d at 515 n.7). Here, as in *Kiyemba II*, however, the Government's sworn declarations explain that once petitioners are transferred to another country, they are "no longer subject to the control of the United States." Waxman Decl. ¶ 5 (filed in *Abdah v. Obama*, D.D.C.

No. 04-1254, Docket No. 116, Ex. 3). Moreover, the Government has no plans to send petitioners to any U.S. base in a foreign country, including the military base in Bagram. *See* Julian E. Barnes, *Afghan Site Eyed for Detainees*, *Chicago Tribune*, June 9, 2010, *available at* 2010 WLNR 11731676 (Pentagon spokeswoman stated that “the U.S. was not considering transferring any detainees from Guantanamo to Bagram”). Nor does petitioners’ argument account for Federal Rule of Appellate Procedure 23, which requires the Government to obtain permission from the district court before moving any detainee with an appeal pending to another location under U.S. control. In any event, petitioners’ argument is not a valid ground for preserving the district court’s significantly broader orders barring any transfer from Guantanamo without notice. Indeed, this Court rejected the same argument in *Paracha*, holding that it need not address that argument “because the broad notice order entered by the district court is clearly inconsistent with the express holding of *Kiyemba [II]*.” Ex. D at 1.

Petitioners also contend that this Court should maintain the injunctions and remand to determine whether any of these cases present “the more extreme case in which the Executive has determined that a detainee is likely to be tortured but decides to transfer him anyway,” *Kiyemba II*, 561 F.3d at 514 n.5 (internal quotation marks omitted). Resp. 2. Here, as in *Kiyemba II*, however, the Government’s sworn declarations explain that petitioners cannot and will not be transferred to any country

if it is determined that they are more likely than not to face torture there. *See, e.g.*, Waxman Decl. ¶ 6; *accord, e.g.*, Prosper Decl. ¶¶ 4, 6–8 (filed in D.D.C. No. 04-1254, Docket No. 116, Ex. 2). Petitioners argue that evidence of likely torture could be “so overwhelming as to impute to the Government constructive knowledge that torture is likely,” Resp. 2, but that argument is contrary to *Kiyemba II*’s holding that “the judiciary cannot look behind the determination made by the political branches that the transfer would not result in mistreatment of the detainee at the hands of the foreign government.” *Kiyemba II*, 561 F.3d at 515 n.6. *Kiyemba II*, *Mohammed*, *Naji*, *Khadr*, and *Paracha* mandate reversal of the district court orders on appeal.<sup>2</sup>

## CONCLUSION

For the foregoing reasons, this Court should vacate the district court’s orders requiring advance notice and it should not stay the issuance of the mandate.

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<sup>2</sup> In the event that this Court vacates the orders on appeal and remands, petitioners ask this Court to withhold the issuance of the mandate pending Supreme Court review of this Court’s decision. Resp. 3. This Court denied motions to stay the mandate in *Kiyemba II* and *Mohammed*, implicitly concluding that the petitioners in those cases did not have a reasonable probability of success on the merits before the Supreme Court, and had not demonstrated irreparable injury, *see Al-Marbu v. Mukasey*, 525 F.3d 497, 499 (7th Cir. 2008). *See Kiyemba v. Obama*, D.C. Cir. No. 05-5487 (Order of Aug. 26, 2009) [attached as Ex. F]; *Mohammed v. Obama*, D.C. Cir. No. 10-5218 (Order of July 12, 2010) [attached as Ex. G]. And the Supreme Court denied certiorari in *Kiyemba II* and denied applications for stays pending the filing and disposition of certiorari petitions in *Mohammed* and *Naji*. *A fortiori*, this Court should not withhold issuance of the mandate here.

Respectfully submitted,

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September 9, 2010

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2010, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that on or before September 10, 2010, I will cause four copies to be delivered to the Court via hand delivery. Participants in the case who are registered CM/ECF users will be served via the CM/ECF system. The participants in the case listed below are not registered CM/ECF users. I hereby certify that on September 9, 2010, I will cause one copy of the foregoing to be delivered to the participants listed below by first-class mail.

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**ADDENDUM**

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**EXHIBIT A**

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5218

September Term 2009

1:05-cv-01347-GK

Filed On: July 8, 2010

Farhi Saeed Bin Mohammed, Detainee,  
Guantanamo Bay Naval Station and Moazzam  
Begg, as next friend of Farhi Saeed bin  
Mohammed,

Appellees

UNDER SEAL

v.

Barack Obama, et al.,

Appellants

**BEFORE:** Tatel,\* Griffith, and Kavanaugh, Circuit Judges

## ORDER

Upon consideration of the emergency motion for expedited summary reversal, the opposition thereto, and the reply, it is

**ORDERED** that the motion be granted. The preliminary injunction entered June 29, 2010, in Civil Action No. 05-1347 (D.D.C.), is hereby dissolved. The district court had enjoined the government from transferring Farhi Saeed Bin Mohammed to Algeria in light of his allegations that he would be tortured there by the Algerian government and by non-state actors. Under *Kiyemba v. Obama* (“*Kiyemba II*”), however, the district court may not prevent the transfer of a Guantanamo detainee when the government has determined that it is more likely than not that the detainee will not be tortured in the recipient country. 561 F.3d 509, 516 (D.C. Cir. 2009); see *Munaf v. Geren*, 128 S. Ct. 2207, 2226 (2008).

The government’s representations in this case satisfy that standard. The government avers that it evaluated “all information that is in any way relevant to whether a detainee is more likely than not to be tortured in the receiving country,” Emergency Mot. at 14, “including submissions [the government had] received to date from counsel representing the detainee,” Fried Decl. ¶ 3, July 9, 2009 [hereinafter July Fried Decl.]; see also *id.* ¶ 6; Fried Decl. ¶¶ 4, 7–8, Nov. 25, 2009, and has determined that, in the face of the allegations made by Mohammed, his transfer complies with “the policy that the U.S. Government will not transfer individuals to countries where it has determined that they are more likely than not to be tortured.” July Fried Decl. ¶ 2. It is

**FURTHER ORDERED**, on the court’s own motion, that the preliminary injunction entered June 29, 2010, in Civil Action No. 05-1347 (D.D.C.), remain in effect until issuance of the mandate herein.



**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 10-5218**

**September Term 2009**

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the mandate at 4:00 p.m., Wednesday, July 14, 2010.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Sabrina M. Crisp  
Deputy Clerk

\* Circuit Judge Tatel would deny in part the motion for summary reversal for the reasons set forth in the attached statement, entered under seal.

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5218

September Term 2009

UNDER SEAL

TATEL, *Circuit Judge*, concurring in part and dissenting in part:

The United States captured Fahri Saeed bin Mohammed in Pakistan in 2002 and has detained him at Guantanamo Bay ever since. In November 2009, the U.S. District Court for the District of Columbia found Mohammed's detention unlawful and granted his petition for a writ of habeas corpus. Although pursuant to its inherent remedial powers the district court possesses authority to ensure Mohammed's safe release, *Boumediene v. Bush*, 128 S. Ct. 2229, 2271 ("[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority . . . to formulate and issue appropriate orders for relief . . ."), the government argues that *Kiyemba v. Obama (Kiyemba II)*, 561 F.3d 509 (D.C. Cir. 2009), precludes the district court or this court from second-guessing the Executive's determination that Mohammed faces no harm in Algeria, where the government intends to release him.

In *Kiyemba II* we held that "the district court may not question the Government's determination that a potential recipient country is not likely to torture a detainee." *Id.* at 514 (citing *Munaf v. Geren*, 128 S. Ct. 2207, 2226 (2008)). The district court's injunction therefore cannot stand to the extent that it rests on Mohammed's fear of torture from the Algerian government or on the court's desire to question Ambassador Fried about his declarations.

In an allegation that the district court credited, however, Mohammed also claims that he will be targeted by non-governmental actors—armed Islamic militants unaffiliated with the Algerian government—if the United States sends him to Algeria. Even if the logic of *Kiyemba II* requires deference to the government's evaluation of threats from non-governmental entities, that decision still requires evidence of a governmental policy not to transfer a detainee where such harm is likely. Notwithstanding several rounds of briefing by Mohammed raising the issue, however, the government has never said in its declarations whether, as a matter of policy, it even considers threats from non-governmental entities—or whether it receives assurances from the recipient government regarding its ability to protect the detainee from such threats—when making transfer decisions. Pointing out that Ambassador Fried's declarations refer to United States policy against transferring "individuals to countries where it has determined that they are more likely than not to be tortured," Fried Decl. ¶ 3, Nov. 25, 2009, and stating that it has evaluated "all information that is in any way relevant" to that policy, Emergency Mot. at 14, the government suggests that this policy necessarily considers the likelihood of torture by non-governmental entities. But the declarations focus exclusively on "whether the *foreign government* concerned will treat the detainee humanely," and on whether "the *Government of Algeria* has treated any of these individuals in a manner inconsistent with its obligations under the Convention Against Torture." Fried Decl. ¶ 4, Nov. 25, 2009 (emphasis added); Fried Decl. ¶ 3, July 9, 2009 (emphasis added). In my view, then, the declarations fail to show that the

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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September Term 2009

government has specifically considered the likelihood of torture at the hands of non-governmental actors. If the government has in fact done so, all it needs to do is clearly say so in its declaration. To be sure, *Kiyemba II* prohibits courts from second-guessing government declarations regarding the risk of torture in the recipient country, but nothing in *Kiyemba II* requires courts to guess as to what the government's policy is.

Thus, while I agree with my colleagues that *Kiyemba II* compels us to reverse the district court with respect to Mohammed's allegations of torture by the Algerian government and the court's intention to interrogate Ambassador Fried, I would remand to allow the government an opportunity to submit supplemental declarations as to whether, in deciding it was safe to send Mohammed to Algeria, it considered potential threats posed by non-governmental entities.

**EXHIBIT B**

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 10-5191**

**September Term 2009**

**1:05-cv-02386-RBW**

**Filed On: July 16, 2010**

Abdul Aziz Naji, Detainee,

Appellant

v.

Barack Obama, et al.,

Appellees

**BEFORE:** Rogers, Garland, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the emergency motion for injunction and administrative stay and the letter filed pursuant to Federal Rule of Appellate Procedure 28(j), the opposition to the motion and supplements thereto, it is

**ORDERED** that the motion be denied. See Mohammed v. Obama, No. 10-5218 (D.C. Cir. July 8, 2010). Because the questions are the same as those presented in Mohammed, we act forthwith in order to give appellant an opportunity to seek relief in the Supreme Court in parallel with the pending application by Mohammed, No. 10A52 (U.S. filed July 13, 2010).

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
MaryAnne Lister  
Deputy Clerk

**EXHIBIT C**

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 08-5233**

**September Term 2010**

04-cv-01136, 04-cv-01164, 04-cv-01194,  
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10-cv-01020

**Filed On: September 3, 2010**

Omar Khadr, Detainee, Camp Delta,

Appellee

v.

Barack Obama, President of the United  
States, et al.,

Appellants

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# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 08-5233**

**September Term 2010**

Consolidated with 08-5234, 08-5235,  
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**BEFORE:** Ginsburg, Brown, and Griffith, Circuit Judges

## **ORDER**

Upon consideration of the government's motion to vacate and remand; the court's order to show cause filed April 29, 2010, the lodged joint response thereto, and the consolidated reply; the motion to exceed the page limit for the joint response; and the response in No. 08-5327, respondents' reply, and petitioner's reply thereto, it is

**ORDERED** that the order to show cause be discharged. It is

**FURTHER ORDERED** that the motion to exceed the page limit be granted. The Clerk is directed to file the lodged joint response. It is



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No. 08-5233

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**FURTHER ORDERED** that the district court's order requiring advance notice of transfer, entered in Misc. No. 08-442, In Re: Guantanamo Bay Detainee Litigation (D.D.C. July 10, 2008), and in civil actions named therein, be vacated. See Kiyemba v. Obama, 561 F.3d 509 (D.C. Cir. 2009).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Scott H. Atchue  
Deputy Clerk

**EXHIBIT D**

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-5334

September Term 2010

04cv02022

Filed On: September 3, 2010

Saifullah Paracha, Detainee, Guantanamo  
Bay Naval Station and Farhat Paracha, Next  
Friend,

Appellees

v.

Barack Obama, et al.,

Appellants

**BEFORE:** Ginsburg, Brown, and Griffith, Circuit Judges

**ORDER**

Upon consideration of the government's motion to vacate and remand, the opposition thereto, and the reply; the motion to dismiss the appeal, the reply, and the letter submitted pursuant to Federal Rule of Appellate Procedure 28(j); appellees' response filed May 27, 2010, and the reply thereto, it is

**ORDERED** that the district court's order entered June 16, 2005, requiring advance notice of transfer be vacated. See Kiyemba v. Obama, 561 F.3d 509 (D.C. Cir. 2009). The petitioner argues the district court's order should be maintained to prevent the government from transferring him "out of the jurisdiction of the U.S. District Court for the District of Columbia, to an American prison either at Bagram, Afghanistan ... or to some other American prison outside the reach of habeas corpus." This court in Kiyemba reserved judgment as to whether the district court could require notice of transfer in those limited circumstances. Id. at 515 n.7; see also id. at 521 n.7 (Kavanaugh, J., concurring). We need not address the issue either, because the broad notice order entered by the district court is clearly inconsistent with the express holding of Kiyemba. Although the government now contends the district court's June 16, 2005 order has been superseded, the notice of appeal filed by the government challenges "the portion of the Court's Memorandum Order dated June 16, 2005 (dkt. No. 58) that prohibits respondents from removing petitioner from Guantanamo Bay Naval Base unless the Court and counsel for petitioner receive thirty days' advance notice of such removal," and this is the order the government sought to vacate in the motion now

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-5334

September Term 2009

before the court. The government's challenge to the omnibus order entered in Misc. No. 08-442, In Re: Guantanamo Bay Detainee Litigation (D.D.C. July 10, 2008), and Civil Action No. 04-2022, is the subject of a separate appeal, No. 08-5238, Paracha v. Obama. It is

**FURTHER ORDERED** that the motion to dismiss be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Scott H. Atchue  
Deputy Clerk

**EXHIBIT E**

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-5350

September Term 2009

1:05-cv-02349-RMC

Filed On: June 3, 2010

Ahmed Ben Bacha, Detainee, ISN 290 and  
Salah Belbacha, as next friend of Ahmed Ben  
Bacha,

Appellees

v.

Tom Copeman, ARMY BRIG. GEN. -  
Commander, Joint Task Force - GTMO, et al.,

Appellants

**BEFORE:** Sentelle, Chief Judge, and Ginsburg, Henderson, Rogers, Tatel,  
Garland, Brown, Griffith, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of appellee's motion to exceed the page limits, and the  
lodged petition for initial hearing en banc and supplement, and the opposition thereto, it  
is

**ORDERED** that the motion to exceed the page limits be granted. The Clerk is  
directed to file the lodged documents. It is

**FURTHER ORDERED** that the petition for initial hearing en banc be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk

**EXHIBIT F**

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-5487

September Term 2008

05cv01509  
05cv01602

Filed On: August 26, 2009

Jamal Kiyemba, Next Friend, et al.,

Appellees

v.

Barack Obama, President of the United  
States, et al.,

Appellants

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Consolidated with 05-5489

**BEFORE:** Ginsburg, Griffith,\* and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of petitioners-appellees' motion to stay the court's mandate pending the filing of a petition for certiorari, the response thereto, and the reply, it is

**ORDERED** that the motion be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk

\* Circuit Judge Griffith would grant the motion.



**EXHIBIT G**

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 10-5218**

**September Term 2009**

**1:05-cv-01347-GK**

**Filed On:** July 12, 2010

Farhi Saeed Bin Mohammed, Detainee,  
Guantanamo Bay Naval Station and Moazzam  
Begg, as next friend of Farhi Saeed bin  
Mohammed,

Appellees

v.

Barack Obama, et al.,

Appellants

**BEFORE:** Tatel, Griffith, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the motion to stay the mandate, the opposition thereto, and the classified ex parte supplement filed by the appellants, it is

**ORDERED** that the motion be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Cheri Carter  
Deputy Clerk