

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

FAWZI KHALED A.F. AL ODAH, *et al.*,

Petitioners,

v.

UNITED STATES, *et al.*,

Respondents.

Civil Action No. 02-828 (CKK)

ORDER
(July 2, 2009)

The Court held a conference call on the record with counsel for both parties on July 2, 2009. For the reasons stated on the record, the Court shall GRANT Respondents' Motion to Amend their Statement of Facts and Exhibit List for Petitioner Al Mutairi's merits hearing, which was timely filed prior to the June 29, 2009 cut-off set by the Court for such motions. Petitioner's Opposition to the motion is based largely on his belief that the allegations and supporting exhibits are not probative because they are unreliable or otherwise irrelevant. Consistent with the rulings described in the Court's June 16, 2009 Order, the Court shall make those types of determinations at the merits hearing in the context of the entire body of evidence, and shall not exclude evidence *ex ante* by examining it in a vacuum for its probative value. On the present record, the Court finds that Petitioner has not been prejudiced by the addition of the subject allegations and exhibits to Respondents' Statement of Facts and Exhibit List.¹ Petitioner

¹ The Court notes that one of Respondents' proposed exhibits, Exhibit 45, was not previously disclosed to Petitioner prior to the submission of Respondents' Motion. During the conference call, Petitioner represented that there was no specific prejudice associated with Respondents' reliance on Exhibit 45.

is free to raise the arguments contained in his Opposition in the context of the evidence at the merits hearing.

Accordingly, it is, this 2nd day of July, 2009, hereby

ORDERED that Respondents' Motion to Amend their Statement of Facts and Exhibit List for Petitioner Mutairi's merits hearing is GRANTED.

SO ORDERED.

Date: July 2, 2009

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge