

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAFIQ BIN BASHIR BIN	:	
JALLUL ALHAMI, <u>et al.</u> ,	:	
	:	
Petitioners,	:	
	:	
v.	:	Civil Action No. 05-359 (GK)
	:	
BARACK H. OBAMA, <u>et al.</u> ,	:	
	:	
Respondents.	:	

ORDER

A Motions Hearing was held in this case on March 19, 2009, which took place in part in open court and in part in a sealed courtroom due to the discussion of classified information. The matter is before the Court on Petitioners' Motion for Summary Judgment [Dkt. No. 74]. Upon consideration of the Motion, Opposition, Reply, oral argument, and the entire record herein, and for the reasons set forth below, it is hereby

ORDERED, that Petitioners' Motion for Summary Judgment is **denied**. As stated in open court, and as stated in more detail in closed session, this decision rests on two bases. First, as a procedural matter, summary judgment is inappropriate because Petitioners' Motion focuses on the wrong record. Petitioners rely on the record as it existed before the filing of amended factual returns, and therefore make their case without due consideration of the additions and modifications that the Government made in its amended returns. Second, material factual disputes exist, as

indicated in the Government's Opposition and as specified in the closed session; and it is further

ORDERED, that this case shall proceed under the Court's Case Management Order. Accordingly, the Government must produce exculpatory evidence by **April 10, 2009**; and it is further

ORDERED, that parties shall file by **April 23, 2009**, a Joint Status Report, indicating the progress that has been made regarding discovery; and it is further

ORDERED, that a Status Conference shall be held on **April 27, 2009, at 1:30 p.m.**

	/s/
March 19, 2009	Gladys Kessler
	United States District Judge

Copies to: Attorneys of Record via ECF