

HAYAL AZIZ AHMED AL-MITHALI,
 Petitioner,
 v.
 GEORGE W. BUSH *et al.*,
 Defendants.

Civil Action No. 05-cv-2186 (ESH)

Upon reviewing [131] the government's statement of material facts and [134] petitioner's renewed first request for the production of documents, and for the reasons stated in a classified status hearing held on January 8, 2009, it is hereby

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discovered by the attorneys preparing the factual return for the petitioner; it also includes any other evidence the government discovers while litigating habeas corpus petitions filed by detainees at Guantanamo Bay. It is further

ORDERED that petitioner's renewed first request for production of documents is **GRANTED IN PART AND DENIED IN PART** insofar as the government must produce the following, if not previously produced, on or before February 9, 2009:

1. Any confession or statement made by petitioner at any time since his arrest to any government authorities (including both foreign and domestic authorities).
2. Any document that indicates that petitioner was subjected to abuse, torture, or coercion by any government authorities (including both foreign and domestic authorities).
3. Any document discovered by government counsel in the habeas cases involving three specified Guantanamo Bay detainees, whom the government is relying on in its case-in-chief against petitioner, that indicates that the detainee was subjected to abuse, torture, or coercion by any government authority (both foreign and domestic authorities).
4. The two documents that were not produced by the December 31, 2008 deadline due to a security clearance delay, if they constitute exculpatory evidence.
5. The diagram and/or drawing described in paragraphs 13 and 14 of petitioner's renewed first request for the production of documents and the results of the test referenced in paragraph 16 of petitioner's renewed first request for the production of documents.
6. Any exculpatory evidence contained in the redacted portions of the document described in paragraph 4 of petitioner's renewed first request for the production of documents.

ORDERED that petitioner's remaining requests for production of documents are **DENIED WITHOUT PREJUDICE** based on petitioner's withdrawal of the requests. It is further

ORDERED that petitioner's traverse is due on or before February 17, 2009. It is further

ORDERED that a status hearing is set for February 19, 2009, at 1:45 p.m. in Courtroom
14.

SO ORDERED.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: January 9, 2009