

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

**BELKACEM BENSAYAH,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **BARACK OBAMA, et al.,** )  
 )  
 **Respondents.** )

**Civil Case No. 1:04-1166 (RJL)**

**FILED**  
**FEB 03 2014**

  
**MEMORANDUM ORDER**  
(February 1, 2014)

**Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia**

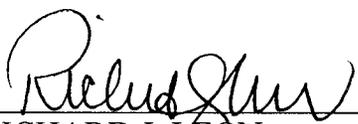
Petitioner Belkacem Bensayah (“Bensayah”), along with 5 other foreign nationals detained at the United States naval base at Guantanamo Bay, Cuba (“Guantanamo”), sought writs of habeas corpus from this Court on August 20, 2004. *See* Am. Pet. for Writ of Habeas Corpus [Dkt. #16]. On January 19, 2005, this Court granted the government’s Motion to Dismiss or For Judgment as a Matter of Law. *See* Mem. Op. and Order [Dkt. #79]. The Supreme Court ultimately reversed the dismissal on June 12, 2008, holding that aliens detained as enemy combatants at Guantanamo have a constitutional right to seek a writ of habeas corpus. *See Boumediene v. Bush*, 553 U.S. 723 (2008). On remand, this Court denied Bensayah’s petition for a writ of habeas corpus, finding that the government offered “credible and reliable evidence linking Mr. Bensayah to al-Qaida.” *See* Mem. Order at 12 [Dkt. #276].

Bensayah appealed the denial of habeas to our Circuit. The Government notified the Court of Appeals, however, that it could no longer rely on the evidence that this Court

had based its decision on when it denied habeas to the petitioner on November 20, 2008.<sup>1</sup> Accordingly, on June 28, 2010, the Court of Appeals reversed this Court’s decision. *See Bensayah v. Obama*, 610 F.3d 718, 727 (D.C. Cir. 2010). On December 5, 2013, Bensayah was transferred from Guantanamo to the custody of the Government of Algeria, effectively mooted his habeas request. *See* Petitioner’s Unopposed Mot. for Vacatur of the District Court’s Judgment as to Mr. Bensayah and for Remand with Instructions to Dismiss his Case as Moot at 2, *Bensayah v. Obama*, No. 08-5537 (D.C. Cir. 2013). Bensayah promptly filed an unopposed motion with the Court of Appeals requesting vacatur of this Court’s judgment and remand of the case with instructions to dismiss it as moot. *Id.* at 1. On January 9, 2014, the Court of Appeals granted Bensayah’s motion, vacating this Court’s judgment, and remanding with instructions to dismiss the case as moot. *See* Order of USCA [Dkt. #322].

Thus, for the foregoing reasons, and in accordance with the January 9, 2014 Order of our Court of Appeals, it is hereby

**ORDERED** that petitioner’s case is **DISMISSED** as moot.

  
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RICHARD J. LEON  
United States District Judge

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<sup>1</sup> The Circuit Court noted that “the Government has eschewed reliance upon certain evidence the district court had considered and has abandoned its position that Bensayah’s detention is lawful because of the support he rendered al Qaeda; instead it argues only that his detention is lawful because he was ‘part of’ that organization—a contention the district court did not reach.” *Bensayah v. Obama*, 610 F.3d 718, 720 (D.C. Cir 2010).