

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

AL HALMANDY, *et al.*,

Petitioners,

v.

BARACK H. OBAMA, *et al.*,

Defendants.

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Civil Action No. 05-2385 (ESH)

ORDER

Before the Court is [160] respondents' motion to dismiss or, alternatively, to hold case in abeyance for petitioners Saki Bacha (a.k.a. Mohammed Jawad) (ISN 900) and Mohammed Kameen (ISN 1045), [196] petitioner Jawad's opposition thereto, and [205] respondents' reply.

Since respondents filed their motion, the military commission proceedings have been suspended. As a result, petitioners cannot exhaust their criminal proceedings without suffering delay. *See* Order, *Al-Dharbi v. Obama*, No. 05-cv-2371, Dkt. No. 135 (April 7, 2009); Order, *Alsawam v. Obama*, No. 05-cv-1244, Dkt No. 150 (April 15, 2009); *also Boumediene v. Bush*, 128 S. Ct. 2229, 2275 (2008) (requiring "prompt" adjudication of Guantanamo detainees' habeas cases). Accordingly, it is hereby

ORDERED that respondents' motion is DENIED without prejudice. Respondents may re-file the motion, if appropriate, if the charges sworn against petitioners are referred to a military commission. It is further

ORDERED that a status conference for petitioner Bacha is set for April 27, 2009, at 10:00 A.M. in Courtroom 14.

SO ORDERED.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: April 22, 2009