

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ABDURRAHMAN ABDALLAH ALI  
MAHMOUD AL SHUBATI (ISN 224),

*Petitioner,*

v.

BARACK H. OBAMA, President of the  
United States of America, *et al.*,

*Respondents.*

Civil Action No. 07-CV-2338 (UNA)

**STIPULATION AND ORDER DISMISSING PETITION WITHOUT PREJUDICE AND  
PROVIDING FOR PETITIONER'S CONTINUED ACCESS TO COUNSEL**

WHEREAS Petitioner Abdurrahman Abdallah Ali Mahmoud al Shubati (ISN 224) ("Petitioner") seeks leave to dismiss his habeas petition voluntarily without prejudice, while ensuring continued access to counsel pursuant to the Protective Order entered in this case, as set forth in this Court's Memorandum Opinion and Order in *In re: Guantanamo Bay Detainee Continued Access to Counsel*, 2012 WL 4039707, No. 12-MC-00398 (RCL) (D.D.C. Sept. 6, 2012) (Dkt Nos. 31 & 32), as amended (Dkt. No. 33); and

WHEREAS Respondents consent to dismissal of this habeas petition without prejudice, and do not object to Petitioner's continued access to counsel on the terms provided below;

**IT IS HEREBY STIPULATED AND ORDERED** that:

1. Petitioner's Petition for a Writ of Habeas Corpus, and this action, are hereby **DISMISSED** without prejudice to Petitioner's right to re-file the petition at any time;

2. This dismissal without prejudice does not waive, and shall not be construed as a waiver of, any ground for relief that Petitioner may presently have, and Respondents will not contend otherwise if the petition is re-filed;

3. The Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, issued by Judge Hogan on September 11, 2008, in *In re: Guantanamo Bay Detainee Litigation*, No. 08-MC-442 (TFH) (D.D.C.) (08-MC- 0442 Dkt. No. 235), and entered in this case (Dkt. No. 50) on that date (the “Protective Order”), shall remain in effect and continue to govern Petitioner’s access to counsel while he remains confined at Guantanamo Bay and has the right to seek further relief by habeas corpus, whether or not he actually continues to have a petition pending before the Court;

4. This Stipulation and Order is without prejudice to the parties’ rights to seek to set aside, modify, or otherwise obtain relief from any provision herein or of the Protective Order on any ground that could be or could have been raised at any time, except the United States may not raise any objection or argument described in paragraph 2; and

5. The Court shall retain jurisdiction to enforce the terms of this Stipulation and Order.

**SEEN AND AGREED TO:**

ABDURRAHMAN ABDALLAH ALI  
MAHMOUD AL SHUBATI  
By Counsel

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Brent N. Rushforth  
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*Counsel for Petitioner*

SO ORDERED THIS 11<sup>th</sup> DAY OF MARCH, 2013

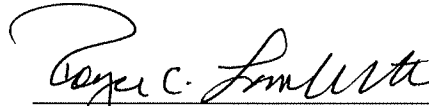
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*Counsel for Respondents*

  
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Presiding Judge