

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

**FADI AL MAQALAH, et al.,**

**Petitioners,**

**v.**

**ROBERT GATES, et al.,**

**Respondents.**

**Civil Action No. 06-1669**

**HAJI WAZIR, et al.,**

**Petitioners,**

**v.**

**ROBERT GATES, et al.,**

**Respondents.**

**Civil Action No. 06-1697**

**AMIN AL BAKRI, et al.,**

**Petitioners,**

**v.**

**BARACK H. OBAMA, et al.,<sup>1</sup>**

**Respondents.**

**Civil Action No. 08-1307**

**REDHA AL-NAJAR, et al.,**

**Petitioners,**

**v.**

**ROBERT GATES, et al.,**

**Respondents.**

**Civil Action No. 08-2143**

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<sup>1</sup> Former President George W. Bush was named as the original lead respondent in this case. Pursuant to Federal Rule of Civil Procedure 25(d), the Court automatically substitutes his successor, President Barack H. Obama, as the new lead respondent.

## **ORDER**

Before the Court are respondents' motions to dismiss the above-captioned cases. The Court has received extensive briefing from the parties and held a motions hearing on January 7, 2009. The Court also received a supplemental, classified filing from respondents on January 16, 2009. On January 22, 2009, the new Presidential administration issued an Executive Order indicating significant changes to the government's approach to the detention, and review of detention, of individuals currently held at Guantanamo Bay. A different approach could impact the Court's analysis of certain issues central to the resolution of these cases as well.

Following the January 22 Executive Order, the Court is providing the new administration with an opportunity to provide input regarding the definition of "enemy combatant" for use in the Guantanamo Bay detainee habeas cases. See Hamdani v. Bush, et al., Civ.A.No. 05-0763 (Dkt. No. 140). Given the Executive Order and respondents' classified filing, the Court will provide the new administration with the same type of opportunity in these Bagram Airfield habeas cases. Hence, the Court invites respondents to inform the Court, in writing and by not later than February 20, 2009, whether they intend to refine their position in the above-captioned cases filed by detainees held at Bagram Airfield. Based on that submission, the Court will decide whether further briefing or some other course is appropriate.

**SO ORDERED.**

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/s/  
JOHN D. BATES  
United States District Judge

Date: January 22, 2009