

² Petitioner filed an additional Notice of Appeal on May 2, 2011. [Dkt. #1489].

Court's determination of his pending "Rule 60(b) motion[s]." Unopposed Mot. to Stay Appeal Pending Resolution of Appellant's Rule 60(b) Mot., *Ali v. Obama*, No. 11-5102 (D.C. Cir.), filed May 9, 2011 [Dkt. #1306982]. Our Circuit Court granted that motion on May 13, 2011, *Ali v. Obama*, No. 11-5102, slip op. at 1 (D.C. Cir. May 13, 2011) (citing Fed. R. App. P. 12.1), and on May 17, 2011, this Court denied petitioner's first supplemental motion [Dkt. #1468], finding petitioner had failed to "carr[y] the burden required to re-open his case." Mem. Order [Dkt. #1496] at 2.³

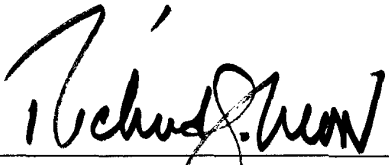
Currently before the Court is petitioner's Second Supplement to Motion (and Renewed Motion) For Entry of the Writ Or, In the Alternative, a New Hearing and For Sanctions ("2d Supp. Mot.") [Dkt. #1487]. Petitioner now asks this Court to grant a new merits hearing, based on two new "facts": (1) a recently published photograph, which "the government . . . contends" is of petitioner, that he claims "is not of the same person shown to this Court at the hearing as being the petitioner," 2d Supp. Mot. at 1; and (2) the statement of a former prosecutor with the Office of Military Commissions who admits "that photo identifications of detainees by other detainees w[ere] often rigged," *id.* at 2. The Government opposes the motion claiming in essence that the petitioner's arguments, even if true, do not meet the standard necessary to warrant reopening his merits hearing.

The Court has reviewed the pleadings and the record herein, and I find no reason to depart from my previous decisions. Accordingly, it is hereby

³ Petitioner filed a motion to clarify the Court's May 17, 2011 ruling [Dkt. #1498], which the Court denied by Minute Order on October 4, 2011.

ORDERED that petitioner Abdul Razak Ali's, a.k.a. Saeed Bakhouché's, Second Supplement to Motion (and Renewed Motion) For Entry of the Writ Or, In the Alternative, a New Hearing and for Sanctions [Dkt. #1487], is **DENIED**.

SO ORDERED.



RICHARD J. LEON
United States District Judge