UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| ABDUL RAZAK ALI, |) |
|--------------------------|--------------------------------|
| Petitioner, |)) |
| v. |) Civil Case No. 10-1020 (RJL) |
| BARACK H. OBAMA, et al., |) |
| Respondents. |) |

MEMORANDUM ORDER
(June 11, 2012) [#1487]

On January 11, 2011, this Court denied petitioner's petition for a writ of habeas corpus, Mem. Order [Dkt. #1448], and issued its final judgment on March 9, 2011, Final J. [Dkt. #1472]. Thereafter, petitioner filed two additional motions requesting a new merits hearing and sanctions, [Dkt. ##1447, 1451], as well as two supplements to those motions, [Dkt. ##1468, 1487]. The Court denied both motions. *See* Order [Dkt. #1474] (Mar. 11, 2011) (denying Dkt. #1447); Min. Order (Mar. 11, 2011) (denying Dkt. #1451). On March 8, 2011, petitioner filed his Notice of Appeal [Dkt. ##1471, 1485] to this Court's final judgment.² On May 9, 2011, however, petitioner filed a motion with our Court of Appeals requesting that it hold petitioner's appeal in abeyance pending this

¹ Pursuant to Federal Rule of Civil Procedure 25(d), if a public officer named as a party to an action in his official capacity ceases to hold office, the court will automatically substitute that officer's successor. Accordingly, the Court substitutes Barack H. Obama for George W. Bush.

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 Bakhouche'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. (LEÓN

United States District Judge