

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

_____)	
FALEN GHEREBI,)	
)	
Petitioners,)	
)	
v.)	Civil Action No: 04-1164 (RBW)
)	
ROBERT M. GATES, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
JABBAROW JAMOLIVICH,,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 05-2112 (RBW)
)	
GEORGE WALKER BUSH, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
MAJHID KHAN)	
)	
Petitioner,)	
)	
v.)	Civil Action No: 06-1690 (RBW)
)	
GEORGE WALKER BUSH, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	

ORDER

On October 17, 2006, Congress enacted the Military Commissions Act of 2006 (“MCA”), Pub. L. No. 109-366, § 7, 120 Stat. 2600, 2636-37 (2006), which, inter alia, amends 28 U.S.C. §

2241 (2000) in a manner that raises serious questions concerning whether this Court retains jurisdiction to hear the above-captioned cases. See 28 U.S.C. § 2241(e). As a result of these questions pending resolution in the United States Court of Appeals for the District of Columbia Circuit, on January 31, 2007, this Court issued an order ruling that until the District of Columbia Circuit resolved the jurisdictional questions raised by the MCA, it is this Court's view that it lacks the authority to take any action in the above captioned cases. January 31, 2007 Order. Therefore this Court denied without prejudice all pending motions in these cases and administratively closed them. Id. at 5. The Court further ruled that if the District of Columbia Circuit concludes that this Court retains jurisdiction over these cases, the matters will be automatically re-opened as appropriate and either party could request that the motions denied without prejudice be reinstated. Id. at 6. Since the issuance of this Court's order, questions concerning whether this Court retains jurisdiction to hear the above-captioned cases are now pending resolution in both the United States Supreme Court and the United States Court of Appeals for the District of Columbia Circuit.¹ Accordingly, it is hereby

ORDERED that all motions currently pending before the Court in the above-captioned cases are hereby DENIED WITHOUT PREJUDICE until such time as the United States Supreme Court and the United States Court of Appeals for the District of Columbia Circuit resolve the

¹ On June 29, 2007, the Supreme Court granted *certiorari* in Boumediene v. Bush, ___ U.S. ___, 127 S.Ct. 3078 (2007) and Al Odah v. United States, ___ U.S. ___, 127 S.Ct. 3067 (2007), having reconsidered and then vacated its orders of April 2, 2007, denying the petitions for *certiorari* in these cases. Subsequently, on July 26, 2007, the District of Columbia Circuit recalled its mandates in Al Odah v. United States, Nos. 05-5064, et al (D.C. Cir. July 26, 2007) and Boumediene v. Bush, No. 05-5062 (D.C. Cir. July 26, 2007), wherein the Court had held that this Court lacked jurisdiction over cases in the category of the above captioned cases.

question of this Court's jurisdiction to adjudicate these cases.²

SO ORDERED this 29th day of February, 2008.

/s/ _____
REGGIE B. WALTON
United States District Judge

² If it is concluded that this Court has jurisdiction over these cases, either party may move to reinstate the motions being dismissed pursuant to this Order. Further, the Court declines to rule on any pending motions filed in Gherebi v. Bush, Civ. Action No. 04-1164 (D.D.C. July 12, 2004), because it is one of the cases consolidated with Al Odah v. United States, ___ U.S. ___, 127 S.Ct. 3067 (2007) pending before the United States Supreme Court.