

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 10-5130****September Term 2011**

1:05-cv-00765-EGS  
1:05-cv-00887-RWR  
1:05-cv-01237-ESH  
1:08-cv-00864-EGS  
1:08-cv-01153-HHK

**Filed On:** August 10, 2012

Chaman, Detainee, Guantanamo Bay, Cuba,

Appellant

v.

Barack Obama, President of the United States  
of America, et al.,

Appellees

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Consolidated with 10-5131, 10-5182, 10-5183,  
10-5203

**BEFORE:** Rogers, Tatel, and Kavanaugh,\* Circuit Judges

**ORDER**

Upon consideration of appellees' motion for summary affirmance and appellant's opposition thereto in No. 10-5203; appellees' motion to govern and the lack of any response thereto in Nos. 10-5130, 10-5131, and 10-5182; and appellants' motions to govern future proceedings in Nos. 10-5183 and 10-5203, the opposition thereto filed under seal, and the reply filed under seal in No. 10-5203, it is

**ORDERED** that the motion for summary affirmance be granted in Nos. 10-5130, 10-5131, 10-5182, and No. 10-5183, and the district court's order entered April 1, 2010, be affirmed. In Re: Pet'rs Seeking Habeas Corpus Relief in Relation to Prior Detentions at Guantanamo Bay, 700 F. Supp. 2d 119 (D.D.C. 2010). The merits of the

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\* Judge Kavanaugh would grant the motion for summary affirmance in all the consolidated cases, including No. 10-5203.

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parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Following the detainees' transfer to the custody of foreign sovereigns, the district court properly held petitioners had not identified any collateral consequence sufficient to show their petitions for a writ of habeas corpus are not moot. See Gul v. Obama, 652 F.3d 12 (D.C. Cir. 2011). With respect to appellant Zuhair's claim that because he remains designated an enemy combatant he will be unable to recover damages for his allegedly unlawful confinement, the district court correctly determined the argument is foreclosed by Spencer v. Kemna, 523 U.S. 1, 17 (1998). It is

**FURTHER ORDERED** that the motion for summary affirmance be denied in No. 10-5203, Barre v. Obama, et al., which seeks review of the district court's judgment entered April 30, 2010, in No. 08cv1153 (D.D.C.). In this case, the merits of the parties' positions are not so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Because the court has determined that summary disposition is not in order, the Clerk is instructed to calendar this case for presentation to a merits panel.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate in Nos. 10-5130, 10-5131, 10-5182, and No. 10-5183 until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**