

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

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**DAVID M. HICKS,**

**Petitioner,**

**v.**

**GEORGE WALKER BUSH,**  
**President of the United States,**  
***et al.,***

**Respondents.**

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**Civil Action No. 1:02-CV-00299 (CKK)  
ECF**

**NOTICE OF RECENT ISSUANCES**

Respondents wish to inform this Court of two recent matters that affect certain aspects of the instant case. First, the United States Court of Appeals for the District of Columbia Circuit has scheduled oral argument in Hamdan v. Rumsfeld, (D.C. Cir.) (Ct. App. Docket No. 04-5393), for Tuesday, March 8, 2005 at 9:30 a.m. See Exhibit 1 ("Order"). Second, the Appointing Authority for Military Commissions has issued a formal written directive that any trial in David M. Hicks' military commission case, and in three other cases, shall be held in abeyance pending the outcome of the appeal in Hamdan. See Exhibit 2 ("Appointing Authority Directive").

These developments support respondents' argument in our Response to Order to Show Cause that this Court should hold the military commission issues in this case in abeyance pending the D.C. Circuit's decision in Hamdan. See Response to Order to Show Cause Regarding Respondents' Motion to Dismiss or for Judgment as a Matter of Law with Respect to Challenges to the Military Commission Process (dkt. no. 130). Any trial of Mr. Hicks by

military commission will not go forward pending the Hamdan appeal.

DATED this 13th day of December, 2004.

Respectfully submitted,

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