

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

)	Civil Action Nos.
)	02-CV-0299 (CKK), 02-CV-0828 (CKK),
)	02-CV-1130 (CKK), 04-CV-1135 (ESH),
)	04-CV-1136 (JDB), 04-1137 (RMC),
<i>In re</i> Guantanamo Detainee Cases)	04-CV-1144 (RWR), 04-CV-1194 (HHK),
)	04-CV-1227 (RBW), 04-CV-1254 (HHK)
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**ORDER GRANTING PETITIONERS' MOTION TO DISMISS CLAIMS
WITHOUT PREJUDICE AND DENYING INDIVIDUAL RESPONDENTS'
MOTION TO DISMISS AS MOOT**

On October 4, 2004, respondents in the above-captioned cases (except Begg v. Bush, 04-1137 (RMC)) and in two Guantanamo detainee cases assigned to Judge Richard J. Leon filed a motion titled "Individual Respondents' Motion to Dismiss and Supporting Memorandum" (hereinafter "the motion"). The motion seeks dismissal of all claims raised against respondents in their individual capacities as well as dismissal of claims subject to 28 U.S.C. § 2679, which counsel for the respondents assert should have named the United States of America rather than specific individuals as the appropriate respondent.

On November 5, 2004, counsel for petitioners in the Al Odah case, 02-CV-0828 (CKK), filed a response stating that they have not made the type of claims that are the subject of the motion. In a separate filing also made on November 5, 2004, counsel for petitioners in the other above-captioned cases (including Begg) filed a Notice of Dismissal of Claims Brought Against Respondents Named in Their Individual Capacities or, in the Alternative, Motion to Dismiss

Those Claims Without Prejudice. Citing Fed. R. Civ. P. 41(a)(1), counsel for petitioners stated that they were voluntarily dismissing, without prejudice to renew, any claims against individual respondents for habeas relief, for damages, or for equitable relief. In the alternative, counsel for petitioners sought an order under Fed. R. Civ. P. 41(a)(2) formally dismissing without prejudice to renew the claims against individual respondents. Counsel for petitioners represented that counsel for respondents do not oppose the motion for dismissal of the individual claims without prejudice.

In light of the foregoing, it is hereby

ORDERED that petitioners' motion to dismiss without prejudice claims brought against respondents named in their individual capacities, filed on behalf of the petitioners in

Hicks v. Bush, 02-CV-0299 (CKK);
Habib v. Bush, 02-CV-1130 (CKK);
Kurnaz v. Bush, 04-CV-1135 (ESH);
O.K. v. Bush, 04-CV-1136 (JDB);
Begg v. Bush, 04-CV-1137 (RMC);
El-Banna v. Bush, 04-CV-1144 (RWR);
Anam v. Bush, 04-CV-1194 (HKK);
Almurbati v. Bush, 04-CV-1227 (RBW); and
Abdah v. Bush, 04-CV-1254 (HKK),

is GRANTED. It is

FURTHER ORDERED that the Individual Respondents' Motion to Dismiss, filed in

Hicks v. Bush, 02-CV-0299 (CKK);
Al Odah v. United States, 02-CV-0828 (CKK);
Habib v. Bush, 02-CV-1130 (CKK);
Kurnaz v. Bush, 04-CV-1135 (ESH);
O.K. v. Bush, 04-CV-1136 (JDB);
El-Banna v. Bush, 04-CV-1144 (RWR);
Anam v. Bush, 04-CV-1194 (HKK);
Almurbati v. Bush, 04-CV-1227 (RBW); and

Abdah v. Bush, 04-CV-1254 (HKK),

is DENIED as moot.

IT IS SO ORDERED.

November 23, 2004

/s/
JOYCE HENS GREEN
United States District Judge