

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

SHAFIQ RASUL, *et al.*,

Petitioners,

v.

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

Respondents.

Civil Action No. 02-299 (CKK)

ORDER
(April 21, 2005)

Presently pending before the Court are the Government's Motion to Dismiss and for Judgment as a Matter of Law [88], Petitioner David Hicks' Motion for Partial Summary Judgment [102], and Petitioner's Motion for Leave to Take Discovery and for Preservation Order [151].

Although this case was transferred to Judge Joyce Hens Green for ruling on two earlier motions, the Court specifically declined to transfer the Government's Motion to Dismiss [88], and did not subsequently transfer Petitioner's Motion for Partial Summary Judgment [102]. *See* Transfer Order [114] (Nov. 10, 2004). However, the issues raised by the Government's Motion to Dismiss and Petitioner's Motion for Partial Summary Judgment were considered by Judge James Robertson in *Hamdan v. Rumsfeld*, Civil Action No. 04-1519 in his November 8, 2004, Memorandum Opinion, which is presently on appeal to the United States Court of Appeals for the District of Columbia Circuit. Accordingly, the Court will stay these motions pending a ruling from the Circuit Court in *Hamdan*.

Furthermore, on Judge Joyce Hens Green issued a stay for all purposes in this case, and ten others, on February 3, 2005. *See* Certification Order and Stay [162] (February 3, 2005). For purposes of clarity, the Court notes that this stay for all purposes covers matters such as discovery. Consequently, Petitioner's Motion for Leave to Take Discovery and for Preservation Order [151] is presently stayed pursuant to Judge Green's order.

Accordingly, it is this 21st day of April, 2005, hereby

ORDERED that Government's Motion to Dismiss and for Judgment as a Matter of Law [88] and Petitioner David Hicks' Motion for Partial Summary Judgment [102] are hereby STAYED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge