

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE PADILLA,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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4445
02 Civ. (MBM)

MICHAEL B. MUKASEY, U.S.D.J.

Petitioner has submitted a petition for writ of habeas that contains material pertaining to a grand jury proceeding which will be filed under seal. The parties have agreed that the attached redacted copy of the petition may be publicly filed. Accordingly, the Clerk of the Court is directed to open this matter as a new civil action and serve a copy of this order and the redacted copy of the petition on the Secretary of Defense in care of Paul W. Cobb, Jr., Deputy General Counsel, Dept. of Defense, Pentagon, Room 3C975, 1600 Defense Pentagon, Washington D.C. 20310-1600.

As agreed to by the parties the government will file a motion to dismiss or transfer the petition by June 21, 2002. Answering papers are to be served by July 2, 2002. A reply may be served by July 9, 2002.

SO ORDERED:

Dated: New York, New York
June 12, 2002


Michael B. Mukasey
U.S. District Judge