

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DAVID M. HICKS,

Petitioner,

v.

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

Respondents.

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Civil Action No. 02-CV-0299 (CKK)

ORDER HOLDING IN ABEYANCE RESPONDENTS' MOTION TO DISMISS OR FOR  
JUDGMENT AS A MATTER OF LAW WITH RESPECT TO CHALLENGES TO THE  
MILITARY COMMISSION PROCESS

By order dated November 18, 2004, counsel for petitioner and respondents were requested to show cause why the respondents' motion to dismiss petitioner David M. Hicks' claims challenging the legality of military commission proceedings should not be held in abeyance pending resolution of the appeal of the recent decision in Hamdan v. Rumsfeld, 04-CV-1519 (JR), 2004 WL 2504508 (Nov. 8, 2004) (D.D.C.).

In response to the show cause order, counsel for respondents stated their belief that resolution of the motion in this case should be held in abeyance pending appellate resolution of Hamdan. Counsel for the petitioner disagreed, citing the respondents' unwillingness to delay the trial of Mr. Hicks by military commission until this Court had time to adjudicate his challenges after resolution of Hamdan. Petitioner's Brief Showing Cause Why This Case Should Not be Held in Abeyance, dated November 29, 2004, at 5.

On December 13, 2004, counsel for respondents filed a Notice of Recent Issuances informing the Court that “the Appointing Authority for Military Commissions has issued a formal written directive that any trial in David M. Hicks’ military commission case ... shall be held in abeyance pending the outcome of the appeal in Hamdan.” Notice of Recent Issuances at 1. In light of this recent development, it is hereby

ORDERED that resolution of Respondents’ Motion to Dismiss or for Judgment as a Matter of Law with Respect to Challenges to the Military Commission Process shall be held in abeyance pending final resolution of all appeals in Hamdan v. Rumsfeld. Should the circumstances forming the basis of this decision change, counsel may seek reconsideration of this Order.

IT IS SO ORDERED.  
December 15, 2004

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JOYCE HENS GREEN  
United States District Judge