

**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-CV-1137 (RMC),
<i>In re</i> Guantanamo Detainee Cases)	04-CV-1144 (RWR), 04-CV-1164 (RBW)
)	04-CV-1194 (HHK), 04-CV-1227 (RBW),
)	04-CV-1254 (HHK)
)	
)	

**ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION
FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY**

Upon consideration of respondents' Motion for Certification of January 31, 2005
Interlocutory Orders for Appeal Pursuant to 28 U.S.C. § 1292(b) and to Stay Proceedings
Pending Appeal, it is hereby

ORDERED that the respondents' motion is granted in part and denied in part. It is

FURTHER ORDERED that the Court finds that its January 31, 2005 Order (and
Memorandum Opinion) Denying in Part and Granting in Part Respondents' Motion to Dismiss or
for Judgment as a Matter of Law and Requesting Briefing on the Future Proceedings in These
Cases (hereinafter "Order on Motion to Dismiss") involves controlling questions of law as to
which there is substantial ground for difference of opinion, such as whether petitioners possess
enforceable rights under the Fifth Amendment to the United States Constitution; whether
assuming arguendo that petitioners possess such rights, the Combatant Status Review Tribunals
comport with those rights; and whether certain of the petitioners possess rights under the Third
Geneva Convention that are judicially enforceable. It is

FURTHER ORDERED that the Court does not find that the Court's January 31, 2005 Order Granting November 18, 2004 Motion for Access to Unredacted Factual Returns (hereinafter "Order on Discovery Motion") involves controlling questions of law to which there is substantial ground for difference of opinion. It is

FURTHER ORDERED that the Court finds that an immediate appeal of the Order on Motion to Dismiss but not of the Order on Discovery Motion may materially advance the ultimate termination of this litigation. It is

FURTHER ORDERED that the Order on Motion to Dismiss is hereby CERTIFIED for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). It is

FURTHER ORDERED that, pursuant to 28 U.S.C. § 1292(b), the Order on Motion to Dismiss shall be deemed amended to include and reflect the findings in this Order. It is

FURTHER ORDERED that the respondents' request for certification of the Order on Discovery Motion is denied. It is

FURTHER ORDERED that the proceedings in the eleven above-captioned cases are stayed for all purposes pending resolution of all appeals in this matter. The stay for "all purposes" includes a stay of the resolution of the respondents' motions to dismiss the claims of petitioners who have been transferred out of the custody of the United States.

It shall be up to the individual Judges assigned to the other Guantanamo detainee cases not contained in the above caption to determine whether stays should be granted in those cases.
IT IS SO ORDERED.

February 3, 2005

_____/s/_____
JOYCE HENS GREEN
United States District Judge