

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

DAVID M. HICKS,

Petitioner,

v.

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

Respondents.

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

**ORDER DENYING MOTION FOR FILING OF AFFIDAVIT UNDER SEAL AS MOOT
AND DIRECTING THE FILING OF THE AFFIDAVIT ON THE PUBLIC RECORD**

On November 1, 2004, counsel for petitioner David M. Hicks filed a motion to file under seal an affidavit in conjunction with the Brief in Opposition to Respondents' Motion to Dismiss and in Support of Petitioner's Cross-Motion for Partial Summary Judgment. Counsel stated in the motion to file under seal that the affidavit does not contain classified information and that the sealing was sought only out of an abundance of caution to protect potentially sensitive information. The motion also encouraged the Court to unseal the document as promptly as possible. Respondents filed their response to the motion to seal on November 22, 2004, stating that they do not oppose the unsealing of the document.

Accordingly, it is hereby

ORDERED that petitioner's Motion for Filing of Affidavit Under Seal is denied as moot. Counsel for petitioner shall file the affidavit of David Hicks as soon as practicable on the public record using the CM/ECF system.

IT IS SO ORDERED.
December 8, 2004

/s/
JOYCE HENS GREEN
United States District Judge