

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ABDULLAH AL-KIDD,
Plaintiff-Appellee,
v.
JOHN ASHCROFT, Attorney General,
Defendant-Appellant.

No. 06-36059
D.C. No.
CV-05-00093-EJL
District of Idaho,
Boise
ORDER

On Remand From The United States Supreme Court

Filed August 3, 2011

Before: Harry Pregerson,¹ Carlos T. Bea, and
Milan D. Smith, Jr., Circuit Judges.

ORDER

Pursuant to the Opinion of the Supreme Court in *Ashcroft v. al-Kidd*, 131 S. Ct. 2074 (2011), the district court's denial of Defendant Ashcroft's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is REVERSED, and the matter is REMANDED for proceedings consistent with the Supreme Court's Opinion.

¹Judge Harry Pregerson was substituted for the late Judge David R. Thompson. *See* General Order 3.2(g).