

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger**

Civil Action No. 07-cv-02697-MSK-BNB

KHALFAN KHAMIS MOHAMMED,

Plaintiff,

v.

**ERIC HOLDER, The U.S. Attorney,
HARLEY LAPPIN, Director of B.O.P.,
RON WILEY, ADX Warden, and
HARRELL WATTS, Administrator of National Inmate Appeals, and
FEDERAL BUREAU OF INVESTIGATION,**

Defendants.

ORDER GRANTING MOTION TO CLARIFY

THIS MATTER comes before the Court pursuant to the Defendants' Motion to Clarify (# 398).

The motion requests clarification of footnote 13 of this Court's June 17, 2014 Findings of Fact and Conclusions of Law (# 396). That footnote states "[t]he Court finds Mr. Moen's contention that the FBI had always considered these facts – Nassor's untruthfulness and his perceived animosity towards the U.S. – as further supporting the Mr. Johnson's October 2009 decision to limit contact with Nassor to be incredible." The Defendants seek a clarification as to whether the Court's use of the term "incredible" represents a finding that the Court deemed Mr. Moen to be testifying "untruthfully" (as such a finding could have adverse consequences on Mr. Moen's career status as a law enforcement officer).

The word “incredible” is defined simply as “hard to believe.” *Merriam-Webster’s Collegiate Dictionary*, 10th Ed. The Court’s Findings of Fact and Conclusions of Law sets forth in extensive detail the particular reasons why it did not believe certain portions of Mr. Moen’s testimony (and the Defendants’ motion reflects that the Defendants have correctly ascertained the Court’s reasons). At no point did the Court articulate a belief that Mr. Moen gave testimony that he knew to be false or that he was purposefully attempting to deceive the Court; had the Court found that to be the case, its Findings of Fact would have so reflected.

Accordingly, the Defendants’ Motion for Clarification (# 398) is **GRANTED** as set forth herein.

Dated this 1st day of October, 2014.

BY THE COURT:

A handwritten signature in black ink, reading "Marcia S. Krieger". The signature is written in a cursive, flowing style. The first name "Marcia" is written in a larger, more prominent script, followed by "S." and "Krieger". The signature is positioned above a horizontal line.

Marcia S. Krieger
Chief United States District Judge