

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

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MAKHTAR YAHIA NAJI )  
AL WARAFI (ISN 117), )  
) **Petitioner,** )  
) )  
) **v.** )  
) )  
) **BARACK OBAMA,** )  
) **President of the United States, et al.,** )  
) )  
) **Respondents.** )

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**Civil Action No. 04-1254 (RCL)**

**ORDER**

Upon consideration of petitioner’s Emergency Motion [706] to Strike, the applicable law, and the entire record herein, it is hereby

ORDERED that the motion is DENIED. Petitioner will not suffer prejudice because this matter is not before a jury, and the Court will not consider or rely on respondents’ proposed amendments to petitioner’s factual return.

SO ORDERED.

Signed by Royce C. Lamberth, Chief Judge, on December 14, 2009.