

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

ADEL AL HAKEEMY)	
)	
Petitioner,)	
)	
v.)	Civil Case No. 05-429 (RJL)
)	
BARACK H. OBAMA, et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

(August ~~24~~, 2010) [#285]

On March 2, 2005, a habeas petition was filed on behalf of Adel Al Hakeemy (“petitioner”) by Shaker Aamer, acting as “next friend.” Although two sets of counsel have been appointed to represent petitioner since that time, petitioner has yet to consent to proceeding with this action. Petitioner’s prior counsel, Reprieve, made several attempts to visit petitioner and obtain his consent, but were ultimately unable to do so. On July 6, 2009, counsel from Reprieve was ordered to withdraw from this case, and on March 1, 2010, the Office of the Federal Public Defender for the Northern District of Ohio was appointed in their stead. Current counsel was granted, in total, 120 days to show cause why the case should not proceed to a hearing on the merits or be dismissed without prejudice. However, they too have been unsuccessful in obtaining petitioner’s consent to proceed. Petitioner’s current counsel has attempted to visit petitioner at Guantanamo Bay on three occasions, and each time petitioner declined to meet with them.

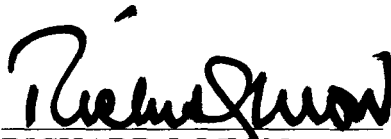
Acknowledging that it would not be in the interests of justice to move forward with a hearing on the merits at this juncture, petitioner's counsel nonetheless now seeks an *indefinite* stay, even though the petitioner has shown no interest in challenging the lawfulness of his detention. And, as the government points out, "[t]his case has languished on the Court's docket, without any substantive activity, for fifteen months." Accordingly, because the petitioner has failed to proffer any reason why this case should continue indefinitely, the motion for a stay is DENIED and this case is dismissed without prejudice. Should petitioner decide, at some point in the future, that he wishes to contest his detention, he may file another petition at that time.

Accordingly, it is hereby

ORDERED that petitioner's Motion for a Stay [#285] is DENIED, and it is further

ORDERED that the above-captioned case is DISMISSED without prejudice.

SO ORDERED.


RICHARD J. LEON
United States District Judge