Case 1:06-cv-01707-GK

Document 28-2

Filed 08/24/2007

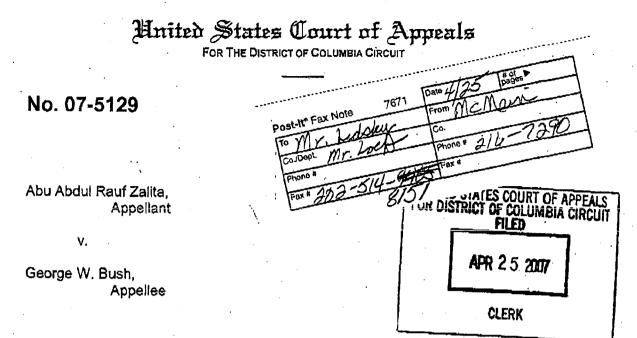
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US COURT OF APPEALS

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P.001/001



BEFORE:

Rogers, Brown, and Kavanaugh, Circuit Judges

#### ORDER

Upon consideration of the emergency motion for injunctive relief and the response thereto, it is

ORDERED that the motion be denied and the case be dismissed for lack of subject matter jurisdiction. <u>See Boumediene v. Bush</u>, 476 F.3d 981 (D.C. Cir. 2007); <u>Kivemba v. Bush</u>, Nos. 05-5487, et al., 2007 WL 964612 (D.C. Cir. Mar. 22, 2007).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. <u>See</u> Fed, R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

JRB(MgHC) BK

(ORDER LIST: 550 U.S.)

TUESDAY, MAY 1, 2007

#### ORDER IN PENDING CASE

06A1005

ZALITA, ABU V. BUSH, PRESIDENT OF U.S., ET AL.

The application for an injunction presented to The Chief Justice and by him referred to the Court is denied.

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-1127

September Term, 2006

Filed On: July 16, 2007 [1053961]

Mustafa Ahmed Hamlily and Mustafa Ait Idir, as Next Friend of Hamlily,

**Petitioners** 

٧.

Robert M. Gates, Sec. of Defense, et al., Respondents

BEFORE: Randolph, Rogers, and Garland, Circuit Judges

#### ORDER

Upon consideration of the amended emergency motion for an order requiring respondents to provide 30-days' advance notice of any intended removal of petitioner, and the opposition thereto, it is

**ORDERED** that the motion be denied. This court lacks jurisdiction to grant the requested relief. See Khalifh v. Gates, No. 07-1215 (D.C. Cir. June 22, 2007) (citing § 7 of the Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat. 2600 (2006); § 1005(e)(2) of the Detainee Treatment Act of 2005, Pub. L. No. 109-148, 119 Stat. 2680 (2005)); Rahman v. Gates, No. 07-1204 (D.C. Cir. June 19, 2007) (same).

Per Curiam

## United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-1095

September Term, 2006

Filed On: August 10, 2007

[1059920]

Ravil Mingazov and Zainulabidin Merozhev,
Petitioners

٧.

Robert M. Gates, Secretary of Defense, et al., Respondents

**BEFORE:** Sentelle and Brown, Circuit Judges

#### ORDER

Upon consideration of the pending motions, the oppositions thereto, and the reply; and the letter filed pursuant to Federal Rule of Appellate Procedure 28(j), it is

**ORDERED** that the motion for leave to proceed in forma pauperis be granted. It is

**FURTHER ORDERED** that the motion for 30-days' notice of transfer be denied. This court lacks jurisdiction to grant the requested relief. <u>See Hamlily v. Gates</u>, No. 07-1127 (D.C. Cir. Jul. 16, 2007). It is

**FURTHER ORDERED** that the motion for production of the Government Information, Government Evidence, exculpatory evidence, and any audiotapes of the Combatant Status Review Tribunal Proceedings be granted, consistent with this court's opinion and protective order in <u>Bismullah v. Gates</u>, No. 06-1197, 2007 WL 2067938 (D.C. Cir. Jul. 20, 2007) (opinion); 2007 WL 2207923 (D.C. Cir. Jul. 30, 2007) (protective order). It is

**FURTHER ORDERED** that the motion for entry of the district court protective order be denied and that the protective order entered by this court in <u>Bismullah</u>, 2007 WL 2207923, including any subsequent modifications, be entered in this case pending further order of the court. It is

**FURTHER ORDERED** that the motion for appointment of a special master be denied without prejudice. See Bismullah, 2007 WL 2067938, at \*13. It is

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-1095

September Term, 2006

**FURTHER ORDERED**, with respect to the motion for petitioners' personal access to the Government Information, Government Evidence, exculpatory evidence, and any audiotapes of the Combatant Status Review Tribunal Proceedings, that the parties resolve the matters implicated by this motion in accordance with the court's opinion and protective order in <u>Bismullah</u>. To the extent they are unable to do so, the parties should address the matters in their briefs on the merits. It is

**FURTHER ORDERED** that the motions for leave to file declaration and the motion for leave to incorporate by reference the response filed in a related case be granted. The Clerk is directed to file the lodged declaration.

The Clerk is directed to establish a briefing schedule.

#### Per Curiam

FOR THE COURT: Mark J. Langer, Clerk

By:

Deputy Clerk/LD

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-5258

September Term, 2006

05cv02349

Filed On: August 2, 2007 [1058163]

Ahmed Belbacha, Appellant

Salah Belbacha, as next Friend of Ahmed Belbacha, Appellee

V.

George W. Bush, et al., Appellees

**BEFORE**: Sentelle, Rogers, and Brown, Circuit Judges

#### ORDER

Upon consideration of the emergency motion for a stay pending appeal, the opposition thereto, and the reply; and the motion for an expedited appeal schedule, it is

**ORDERED** that the administrative stay entered by this court on July 30, 2007, be dissolved. It is

**FURTHER ORDERED** that the motion for a stay pending appeal be denied. <u>See Boumediene v. Bush</u>, 476 F.3d 981 (D.C. Cir.), <u>cert. granted</u>, 127 S. Ct. 3078 (2007); <u>see also Maxwell v. Snow</u>, 409 F.3d 354, 358 (D.C. Cir. 2005) ("[T]his court is bound to follow circuit precedent until it is overruled by an en banc court or the Supreme Court."). It is

**FURTHER ORDERED** that the appeal be heard on an expedited basis in accordance with 28 U.S.C. § 1657(a). The Clerk is directed to enter a standard briefing schedule.

#### Per Curiam

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NO. 081

AUG. 10. 2007 1:57PM

(ORDER LIST: 551 U.S.)

FRIDAY, AUGUST 10, 2007

ORDER IN PENDING CASE

07A98

BELBACHA, AHMED V. BUSH, PRESIDENT OF U.S., ET AL.

The application for injunction presented to The Chief Justice and by him referred to the Court is denied.