

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SHARIFULLAH, *et.al.*, )  
Petitioners, )  
v. )  
GEORGE W. BUSH, *et al.*, )  
Respondents. )  
Civ. No. 08-1222 (EGS)

## ORDER

Pursuant to the status hearing held on February 6, 2009, it is hereby:

**ORDERED** that by no later than February 17, 2009, the government shall produce to Petitioner's counsel, subject to any restrictions pursuant to the Protective Order in this case, any and all exculpatory information reasonably available to the United States Government that bears on Petitioner's detention and/or that would suggest that Petitioner should not be designated as an enemy combatant. It is further

**ORDERED** that by no later than February 17, 2009, the government shall produce all information reasonably available to the United States Government bearing on the circumstances surrounding any statements upon which Respondent relies in its Factual Return. (See *Parhat v. Gates*, 532 F.3d 834, 847 ("As the Supreme Court explained in *Concrete Pipe*, in the course of

discussing the nature of "'the burden of showing something 'by a preponderance of the evidence'": 'Before any such burden can be satisfied in the first instance, the factfinder must evaluate the raw evidence, finding it to be sufficiently reliable and sufficiently probative to demonstrate the truth of the asserted proposition with the requisite degree of certainty.'") (citing *Concrete Pipe & Prods., Inc. v. Construction Laborers Pension Trust*, 508 U.S. 602 (1993)). See also *Haynes v. Washington*, 373 U.S. 503, 513 (1963) ("'In short, the true test of admissibility is that the confession is made freely, voluntarily, and without compulsion or inducement of any sort.'") ... And, of course, whether the confession was obtained by coercion or improper inducement can be determined only by an examination of all the attendant circumstances.") (internal citations omitted). It is further

**ORDERED** that by no later than February 13, 2009, the government shall file an unclassified version of the Factual Return. It is further

**ORDERED** that by no later than 12:00 p.m. on March 2, 2009, Petitioner shall file with the Court a pleading setting forth the need for any additional discovery.

**ORDERED** that the parties shall file a Status Report by no later than 12:00 p.m. on March 13, 2009. It is further

**ORDERED** that a Status Hearing is scheduled for March 17,

2009, at 11:00 a.m.

SO ORDERED.

SIGNED: **Emmet G. Sullivan**  
**United States District Judge**  
**February 10, 2009**