

Cleared for public filing and viewing  
by the CSO.

# EXHIBIT C

# EXHIBIT C

# General Docket US Court of Appeals for the Second Circuit

Second Circuit Court of  
Appeals

INDIV

REINSTATED

Court of Appeals Docket #: 07-2980-cv  
Nsuit : 2890 STATUTES-Other

Fenstermaker v. Bush

Filed 7/10/07

Appeal SDNY (NEW YORK CITY)  
from:

Case type information:

Civil

United States

None

Lower court information:

District: 05-cv-7468

Trial Judge: Richard M. Berman

MagJudge:

Date Filed: 08/24/05

Date order/judgement: 6/12/2007

Date NOA filed: 7/9/2007

Fee status: Paid

Panel Assignment:

Panel:

Date of decision:

Prior cases: NONE

Current cases NONE

Official Caption 1/

INDIV

REINSTATED

-----  
Docket No. [s] : 07-2980 -cv  
Scott L. Fenstermaker, individually and as next friend  
for, Ahmed Khalfan Ghailani, Khalid Shaykh Muhammad,  
Zubair, `Ali `Abd al-`Aziz `Ali, `Abd al-Rahim  
Al-Nashiri, Walid Bin `Attash, Gouled Hassan Dourad,  
John Doe #1, collectively "Johns Doe", John Doe #2,  
John Doe #3, John Doe #4, John Doe #5, John Doe #6,  
John Doe #7, John Doe #8.

Petitioners-Appellants,

v.

George W. Bush, President of the United States and  
Commander in Chief of the United States Armed Forces,  
Donald H. Rumsfeld, United States Secretary of Defense,  
John D. Altenburg Jr., Appointing Authority for the  
Military Commissions,

Respondents-Appellees.

-----  
Authorized Abbreviated Caption 2/  
-----

Docket No. [s] : 07-2980 -cv

Fenstermaker v. Bush  
-----

-----  
1/ Fed. R. App. P. Rule 12 [a] and 32 [a].  
2/ For use on correspondence and motions only.

Docket as of October 22, 2008 1:45 am

Page 2

□

INDIV

REINSTATED

Ahmed Khalfan Ghailani

Ahmed Khalfan Ghailani

Petitioner-Appellant

n/a  
U.S. Attorney's Office, SDNY

86 Chambers Street  
New York , NY , 10007

Donald H. Rumsfeld

Ross E. Morrison Esq.

Respondent-Appellee

[ LD n ]  
U.S. Attorney's Office, SDNY

86 Chambers Street  
New York , NY , 10007

212-637-2691

George W. Bush Ross E. Morrison Esq.(See above)

Respondent-Appellee [ LD ret ]

John D. Altenburg Ross E. Morrison Esq.(See above)

Respondent-Appellee [ LD n ]

Docket as of October 22, 2008 1:45 am Page 3

□ INDIV

REINSTATED

'Abd al-Rahim Al-Nashiri Scott L. Fenstermaker Esq.

Petitioner-Appellant [ LD n ]  
Law Offices of Scott Z.  
Fenstermaker  
500 Fifth Ave  
New York , NY , 10110

212-302-0201

'Ali 'Abd al-'Aziz 'Ali Scott L. Fenstermaker Esq.(See  
above)

Petitioner-Appellant [ LD n ]

Abu Faraj Al-Libi Scott L. Fenstermaker Esq.(See  
above)

Petitioner-Appellant [ LD n ]

Gouled Hassan Dourad Scott L. Fenstermaker Esq.(See  
above)

Petitioner-Appellant [ LD n ]

John Doe #1 Scott L. Fenstermaker Esq.(See  
above)

Petitioner-Appellant [ LD n ]

John Doe #2 Scott L. Fenstermaker Esq.(See  
above)

Petitioner-Appellant [ LD n ]

John Doe #3 Scott L. Fenstermaker Esq.(See

Docket as of October 22, 2008 1:45 am Page 4

□ INDIV

REINSTATED

Petitioner-Appellant above)  
[ LD n ]

John Doe #4	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
John Doe #5	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
John Doe #6	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
John Doe #7	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
John Doe #8	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
Khalid Shaykh Muhammad	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]

Docket as of October 22, 2008 1:45 am Page 5

INDIV  
REINSTATED

Lillie	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
Scott L. Fenstermaker	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD ret ]
Walid Bin `Attash	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]
Zubair	Scott L. Fenstermaker Esq. (See above)
Petitioner-Appellant	[ LD n ]

Docket as of October 22, 2008 1:45 am Page 6

INDIV  
REINSTATED

7/10/07 Copy of notice of appeal and district court docket entries on behalf of APPELLANT Hambali, John Doe #1, John Doe #2, John Doe #3, ET AL , filed.  
Fee paid in District Court: receipt #E620096  
[Entry date Jul 13 2007 ] [LY]

7/10/07 Index in lieu of Record on Appeals

Electronically Filed (Original documents remain in the originating court).

[Entry date Jul 13 2007 ] [LY]

7/10/07 Copy of district court order RECEIVED.  
[Entry date Jul 13 2007 ] [LY]

7/11/07 APPELLANT Hambali, John Doe #1, John Doe #2, John Doe #3, ET AL , Form C RECEIVED, with proof of service.  
[Entry date Jul 16 2007 ] [LY]

7/11/07 APPELLANT Hambali, John Doe #1, John Doe #2, John Doe #3, ET AL , Form C filed, with proof of service. [Entry date Jul 25 2007 ] [LY]

7/11/07 APPELLANT Hambali, John Doe #1, John Doe #2, John Doe #3, ET AL , Form D filed, with proof of service. [Entry date Jul 25 2007 ] [LY]

7/24/07 Notice of appeal acknowledgment letter from Ross Morrison received. [Entry date Jul 25 2007 ] [LY]

7/24/07 Notice of appeal acknowledgment letter from Scott Fenstermaker received. [Entry date Jul 25 2007 ] [LY]

7/31/07 Pre-Argument Conference Notice and Order from Lisa Greenberg, Scheduled For: Monday August 20 2007 at 10:00am, Filed. [Entry date Aug 1 2007 ] [LY]

7/31/07 Scheduling order #1 filed. Record on appeal due 9/3/2007. Appellants brief due 9/10/2007. Appellees brief due 10/10/2007. Ready week 11/19/2007. [Entry date Aug 1 2007 ] [LY]

7/31/07 Notice to counsel in re: Pre-argument and scheduling orders distributed by Staff Counsel [Entry date Aug 1 2007 ] [LY]

10/1/07 Order withdrawing appeal by consent without prejudice to reinstatement FILED. 06/30/08

Docket as of October 22, 2008 1:45 am

Page 7

□

INDIV

REINSTATED

[Entry date Oct 1 2007 ] [LY]

10/1/07 Notice to counsel in re: Stipulation withdrawing the appeal without prejudice until 6/30/08 [Entry date Oct 1 2007 ] [LY]

- 1/15/08 Letter received from Scott Fenstermaker Esq.,  
requesting to remove Abd Al-Rahim  
Al-Nashiri as a party to the case. (Entry  
date Jan 15 2008 ] [YS]
- 4/3/08 Appellant Scott Fenstermaker, Appellant  
Zayn al-'Abidin Abu Zubaydah, Appellant  
Ramzi Bin Al-Shibh, et al motion to allow to  
remove Abu Faraj Al-Libi as a party, filed  
with proof of service. [Entry date Apr 3  
2008 ] [YS]
- 4/8/08 Notice to counsel in re: Motion Order filed  
on 04/08/2008. [Entry date Apr 8 2008 ]  
[YS]
- 4/8/08 The CAPTION PAGE for this appeal has been  
AMENDED in light of Motion Order filed on  
04/08/2008, removing Aby Faraj Al-Lib as a  
party to this appeal. [Entry date Apr 8  
2008 ] [YS]
- 4/8/08 Notice to counsel in re: Amended Caption.  
[Entry date Apr 8 2008 ] [YS]
- 4/8/08 Order FILED GRANTING motion allow Abu Faray  
Al-Lib to be removed as party to this appeal,  
by Appellant John Doe #1, Appellant John  
Doe #5, Appellant John Doe #4, Appellant  
John Doe #2, Appellant Scott Fenstermaker,  
Appellant John Doe #3, Appellant Zayn  
al-'Abidin Abu Zubaydah, Appellant Ramzi  
Bin Al-Shibh, Appellant Khalid Shaykh  
Muhammad, Appellant Majid Khan, Appellant  
Zubair, Appellant Hambali, Appellant Abu  
Faraj Al-Libi, Appellant `Ali `Abd al-`Aziz  
`Ali, Appellant Lillie, Appellant Mustafa  
Ahmad Al-Hawsawi, Appellant `Abd al-Rahim  
Al-Nashiri, Appellant Walid Bin `Attash,  
Appellant Gouled Hassan Dourad, Appellant  
John Doe #6, Appellant John Doe #8,  
Appellant John Doe #7, endorsed on motion  
dated 4/3/2008. (JF) [Entry date Apr 8  
2008 ] [YS]
- 4/23/08 Appellant Scott Fenstermaker, Appellant  
Zayn al-'Abidin Abu Zubaydah, Appellant  
Ramzi Bin Al-Shibh, et al motion to allow to  
remove Lillie as a party filed with proof of  
service. [Entry date Apr 24 2008 ] [YS]
- 4/23/08 Appellant Scott Fenstermaker, Appellant  
Zayn al-'Abidin Abu Zubaydah, Appellant  
Ramzi Bin Al-Shibh, et al motion to allow to  
remove Mustafa Ahmad al-Hawsawi, Majid Khan,

REINSTATED

- and Ramzi Bin al- Shibh, filed with proof of service. [Entry date Apr 24 2008 ] [YS]
- 4/29/08 Record on appeal filed. (Original papers of district court.) Volume(s) (1) [Entry date Apr 29 2008 ] [VM]
- 5/7/08 Notice to counsel RE:Motions to dismiss parties on the substantive motions calendar for Tuesday, May 20, 2008\*\*ON SUBMISSION\*\*. [Entry date May 7 2008 ] [AV]
- 5/9/08 IT IS HEREBY ORDERED that the Government shall file a response to Appellant's motion to remove parties from the appeal no later than 3:pm on Tuesday May 13, 2008. The response shall include a status report on the appeal. [Entry date May 9 2008 ] [MR]
- 5/9/08 Notice to counsel re: Order dated 05/09/2008. [Entry date May 9 2008 ] [MR]
- 5/13/08 Appellee John D. Alternburg, Appellee George Bush Donald Rumsfeld response to Appellant Scott Fenstermaker et al Motion to remove parties filed with proof of service. [Entry date May 13 2008 ] [WD]
- 5/13/08 Appellee John D. Altenburg, George Bush and Donald Rumsfeld response to Motion to allow to remove parties filed with proof of service. [Entry date May 14 2008 ] [WD]
- 5/13/08 Appellee John D. Altenburg, George Bush and Donald Rumsfeld response to Motion to allow to remove parties filed with proof of service. [Entry date May 14 2008 ] [WD]
- 5/19/08 Letter received from Scott L. Fenstermaker, attorney for Appellant replying to AUSA Ross E. Morrison's response to a motion requesting removal of certain parties. [Entry date May 20 2008 ] [YS]
- 5/21/08 Stipulation extending time to reinstate appeal without prejudice to reinstatement on or before 07/31/2008, RECEIVED. [Entry date May 23 2008 ] [YS]
- 5/22/08 Notice to counsel in re: Order filed on 05/22/2008. [Entry date May 22 2008 ] [YS]
- 5/22/08 The CAPTION PAGE for this appeal has been AMENDED in light of order filed on 05/22/2008. [Entry date May 22 2008 ]



[YS]

5/22/08 Order filed stating: Appellant Scott L. Fenstermaker moves to dismiss Mustafa Ahmad Al-Hawsawi, Majid Khan, Ramzi bin al-Shibh,

Docket as of October 22, 2008 1:45 am Page 9

□

INDIV

REINSTATED

and Mohammed Nazir Bin Lep a/k/a "Lillie," as parties to this appeal. Upon due consideration, it is hereby ORDERED that the motions are GRANTED. See Fed. R. Civ. P. 21; cf. Newman-Green, Inc. v. Alfonso-Larrain, 490 U.S. 826, 832-33 (1989). (Before: Hon. RJC., JAC., RAK., CJJ., by PP) [Entry date May 22 2008 ] [YS]

- 6/3/08 So Ordered FRAP 42 Stipulation without prejudice withdrawing appeal by consent without prejudice to reinstatement on or before 07/31/2008 FILED. [Entry date Jun 3 2008 ] [YS]
- 6/3/08 Notice to counsel in re: So Ordered FRAP 42 Stipulation without prejudice filed. [Entry date Jun 3 2008 ] [YS]
- 7/1/08 Letter received from Scott Fenstermaker Esq., timely requesting that the appeal be reinstated and to add Ahmed Khalfan Ghailani as a party to this appeal. [Entry date Jul 2 2008 ] [YS]
- 7/1/08 Appellant Scott Fenstermaker, Appellant Zayn al-'Abidin Abu Zubaydah, Appellant Ramzi Bin Al-Shibh, et al motion allow removal of Zayn al-Abidin Abu Zugaydah and Hambali as parties to this appeal, filed with proof of service. [Entry date Jul 7 2008 ] [YS]
- 7/2/08 Court's request for the pdf (e-document) version of Scott Fenstermaker reactivation letter, sent. [Entry date Jul 2 2008 ] [YS]
- 7/2/08 Notice of Reinstatement dated 06/30/2008, on behalf of appellant, FILED. Reinstatement Code: P. [Entry date Jul 2 2008 ] [YS]
- 7/2/08 Notice to counsel in re: Reinstatement Order filed, [Entry date Jul 2 2008 ] [YS]
- 7/7/08 Court's request for the pdf (e-document) version of Scott Fenstermaker motion to remove parties, sent. [Entry date Jul 7

2008 ] [YS]

7/12/08 Notice to counsel in re: Motion order filed  
on 07/11/2008. [Entry date Jul 12 2008 ]  
[YS]

7/12/08 The CAPTION PAGE for this appeal has been  
AMENDED as per motion order filed on  
07/11/2008. [Entry date Jul 12 2008 ]  
[YS]

7/12/08 Notice to counsel in re: Amended Caption  
Page [Entry date Jul 12 2008 ] [YS]

Docket as of October 22, 2008 1:45 am

Page 10

□

INDIV

REINSTATED

7/12/08 Order FILED that the motion by Appellant and  
counsel Fenstermaker to remove Zayn  
al`Abidin Abu Zubaydah and Hambali from this  
appeal because they are already represented  
by counsel is GRANTED, endorsed on motion  
dated 7/1/2008. (Before Hon. PWH., CJJ., by  
JF) [Entry date Jul 12 2008 ] [YS]

7/31/08 Court`s 2nd request for the pdf  
(e-document) version of Scott Fenstermaker  
Motion to remove parties, sent. [Entry  
date Jul 31 2008 ] [YS]

8/5/08 Letter received from Scott Fenstermaker Esq.,  
requesting a 30 day extension of time to  
file briefs, [Entry date Aug 6 2008 ]  
[YS]

8/6/08 Court`s request for the pdf (e-document)  
version of Scott Fenstermaker letter,  
requesting a 30 day extension of time, sent.  
[Entry date Aug 6 2008 ] [YS]

8/7/08 Scheduling order #2 filed. Appellants brief  
due 9/8/2008. Appellees brief due  
10/8/2008. Any reply briefs are due on or  
before 10/22/2008. Ready week 11/17/2008.  
(LG) [Entry date Aug 7 2008 ] [YS]

8/7/08 Notice to counsel in re: Scheduling Order #2  
[Entry date Aug 7 2008 ] [YS]

8/11/08 Court`s 3rd request for the pdf (e-document)  
version of Scott Fenstermaker Motion to  
remove parties, sent. [Entry date Aug 11  
2008 ] [YS]

9/4/08 Court`s 4th request for the pdf (e-document)  
version of Scott Fenstermaker Motion to  
remove parties, sent. [Entry date Sep 4

2008 ] [YS]

9/8/08 Appellant Scott Fenstermaker, Appellant Khalid Shaykh Muhammad, Appellant Zubair, et al motion to allow to expand the record or in the alternative remand appeal to the district court, filed with proof of service. [Entry date Sep 9 2008 ] [YS]

9/9/08 Court's request for the pdf (e-document) version of Scott Fenstermaker motion for remand, sent. [Entry date Sep 9 2008 ] [YS]

9/16/08 Appellant Scott Fenstermaker, supplemental declaration of material facts in support of the motion allow, remand appeal filed with proof of service. [Entry date Sep 19 2008 ] [YS]

9/29/08 Appellee George Bush, Appellee Donald

Docket as of October 22, 2008 1:45 am

Page 11

□

INDIV

REINSTATED

Rumsfeld, Appellee John D. Altenburg motion for extended time to respond to Appellant's motion for expansion of record filed with proof of service. [Entry date Sep 30 2008 ] [YS]

10/3/08 Notice to counsel in re: Motion Order filed on 10/03/2008. [Entry date Oct 3 2008 ] [YS]

10/3/08 Order FILED GRANTING motion extended time by Appellee Donald Rumsfeld, Appellee George Bush, Appellee John D. Altenburg, Appellee's response to the motion is due 11/07/2008, endorsed on motion dated 9/29/2008. (By: JP) [Entry date Oct 3 2008 ] [YS]

10/9/08 Appellant Scott Fenstermaker, Appellant Khalid Shaykh Muhammad, Appellant Zubair, et al motion allow reinstatement of Mustafa Bin-Ahmad Al-Hawsawi as a party to the appeal and seal document filed with proof of service. [Entry date Oct 10 2008 ] [YS]

10/21/08 Notice to counsel in re: Motion Order filed on 10/21/2008. [Entry date Oct 21 2008 ] [YS]

10/21/08 Order FILED REFERRING motion allow by Appellant Scott Fenstermaker, Appellant

Khalid Shaykh Muhammad, Appellant Zubair,  
 Appellant Abu Faraj Al-Libi, Appellant  
 `Ali `Abd al-`Aziz `Ali, Appellant Lillie,  
 Appellant `Abd al-Rahim Al-Nashiri,  
 Appellant Walid Bin `Attash, Appellant  
 Gouled Hassan Dourad, Appellant John Doe #1,  
 Appellant John Doe #2, Appellant John Doe  
 #3, Appellant John Doe #4, Appellant John  
 Doe #5, Appellant John Doe #6, Appellant  
 John Doe #7, Appellant John Doe #8,  
 endorsed on motion dated 10/9/2008, Order  
 FILED REFERRING motion seal document by  
 Appellant Scott Fenstermaker, Appellant  
 Khalid Shaykh Muhammad, Appellant Zubair,  
 Appellant Abu Faraj Al-Libi, Appellant  
 `Ali `Abd al-`Aziz `Ali, Appellant Lillie,  
 Appellant `Abd al-Rahim Al-Nashiri,  
 Appellant Walid Bin `Attash, Appellant  
 Gouled Hassan Dourad, Appellant John Doe #1,  
 Appellant John Doe #2, Appellant John Doe  
 #3, Appellant John Doe #4, Appellant John  
 Doe #5, Appellant John Doe #6, Appellant  
 John Doe #7, Appellant John Doe #8, to the  
 motions panel and shall be heard in due  
 course, endorsed on motion dated 10/9/2008.  
 (Before Hon. PWH., CJJ., by JP) [Entry  
 date Oct 21 2008 ] [YS]

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
10/25/2008 14:00:39			
<b>PACER Login:</b>	fp0083	<b>Client Code:</b>	
<b>Description:</b>	dkt report	<b>Case Number:</b>	07-2980
<b>Billable Pages:</b>	11	<b>Cost:</b>	0.88