

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

IN RE :

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

**SHAWKI AWAD BALZUHAIR
Petitioners/Plaintiffs,**

v.

Civil No. 08-CV-1238 (RWR)

**GEORGE W. BUSH, et al.,
Respondents/Defendants.**

PROPOSED ORDER

Upon consideration of the Respondents’ Motion for Clarification and Reconsideration of this Court’s November 6, 2008 Case Management Order and Supplemental Amended Orders Or, in the Alternative, Motion for Certification for Appeal Pursuant to 28 U.S.C. § 1292(b), and to Stay Certain Obligations Pending Resolution of the Motion in Any Appeal and Petitioner’s response thereto, it is hereby:

ORDERED that Respondents’ Motion is DENIED in its entirety as to the request to modify the discovery provisions;

ORDERED that Respondents’ Motion in all other respects is DENIED without prejudice to renewal at a later point in the proceedings;

ORDERED that Section I.D.1 of Judge Hogan’s Case Management Order (hereinafter “CMO”) is modified to apply not just to evidence in the government’s possession but also to evidence the government can obtain through reasonable diligence; and

ORDERED that the dates set for filing of a traverse and further briefing in Sections I.G and III.A of the CMO are vacated and a status conference shall be scheduled after filing of the return, with dates for filing of a traverse and further briefing to be set at that time.

Dated:

United States District Judge