UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAYAL AZIZ AHMED AL-MITHALI,	)	
Petitioner,	)	
v.	)	**Civil Action No. 05-cv-2186 (ESH)**
GEORGE W. BUSH *et al.*,	)	
Defendants.	)	

ORDER

Upon consideration of respondents' December 15, 2008 motion for extension of time with which to file discovery [117], petitioner's December 17, 2008 requests for additional discovery [125], and the arguments presented at the hearing on December 18, 2008, and for the reasons stated in court during the December 18, 2008 hearing, it is hereby

ORDERED that petitioner's requests for additional discovery are **DENIED** without prejudice. It is further

ORDERED that respondents' motion for extension of time with which to file discovery is **GRANTED IN PART AND DENIED IN PART**. It is further

ORDERED that the government will submit an amended statement of facts on or before December 31, 2008. The amended statement of facts shall present, in numerical form, a short statement of each material fact upon which the government intends to rely in making its case-in-chief, and it shall identify all evidence the government expects to elicit in support of those facts, including the names of any witnesses the government intends to call. If the government intends to rely on any statements in making its case-in-chief, it shall disclose on or before December 31, 2008: (1) the identity of the speaker; (2) the content of the statement; (3) the person(s) to whom

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the statement was made; (4) the date and time the statement was made or adopted; and (5) the circumstances under which such statement was made or adopted (including the location where the statement was made). If the government cannot identify the original source or any later source of the information, it must so indicate. If the government intends to rely on any document (including 302 reports), the documents shall be produced to petitioner's counsel by December 31, 2008, unless they were already produced, and the relevant portions of the documents shall be identified (by page and paragraph number) if the government does not intend to rely on the entire document. The government shall not be precluded from relying on evidence not contained in its statement of facts to rebut petitioner's arguments on the merits. It is further

ORDERED that all exculpatory evidence required to be produced under paragraph 3 of this Court's December 2, 2008 Order shall now be produced on or before December 31, 2008. It is further

ORDERED that petitioner may file a motion for additional discovery on or before January 5, 2009 but must consult with opposing counsel prior to filing. The December 17, 2008 deadline from paragraph 4 of this Court's December 2, 2008 Order is hereby vacated. It is further

ORDERED that the February 17, 2009 trial date is vacated.

The next status hearing is scheduled for January 8, 2009, at 1:45 p.m. in Courtroom 14. Any further discovery requests will be addressed at that time.

SO ORDERED.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: December 19, 2008