

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

)	
AHMAD MOHAMMED AL DARBI)	Misc. No. 08-442 (TFH)
)	
<i>Petitioner,</i>)	
)	Civil Action No. 05-2371 (RCL)
v.)	
)	
BARACK OBAMA, et al.)	
)	
<i>Respondents.</i>)	
)	
)	

ORDER

Now before the Court is the respondents’ motion [108] to dismiss or to hold the case in abeyance (also docketed as motion [1528] in Misc. No. 08-442). The respondents argue that the case should be held in abeyance because Al Darbi faces trial by military commission and that he should be required to exhaust his criminal proceedings before pursuing a habeas remedy.

Of course, in the time since the respondents filed their motion, the military commission proceedings have been suspended, including the scheduled proceedings in Al Darbi’s case. Therefore, Al Darbi can no longer exhaust his criminal proceedings because he has no active proceedings scheduled, and to grant the respondents’ motion would leave the petitioner in limbo. Accordingly, it is hereby

ORDERED that the respondents’ motion is DENIED without prejudice to consideration if and when petitioner is slated to be tried in a criminal forum, military or civilian. It is further

ORDERED that the clerk of the Court set a status conference in this case.

SO ORDERED.

Signed by Chief Judge Royce C. Lamberth on April 7, 2009.