

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<hr/>		)	
NASSER AL-AULAQI, on his own behalf and as next		)	
friend acting on behalf of ANWAR AL-AULAQI		)	
		)	
Plaintiff,		)	Civ. A. No. 10-cv-1469
		)	(JDB)
v.		)	
		)	
BARACK H. OBAMA, President of the United States;		)	
ROBERT M. GATES, Secretary of Defense; and		)	
LEON E. PANETTA, Director of the Central Intelligence Agency,		)	
		)	
Defendants.		)	
		)	
<hr/>		)	

**DEFENDANTS' MOTION TO DISMISS**

Defendants Barack H. Obama, President of the United States, Leon E. Panetta, Director of the Central Intelligence, and Robert M. Gates, Secretary of Defense, hereby move to dismiss Plaintiff's complaint, pursuant to Federal Rule of Civil Procedure 12(b)(1), on the grounds that Plaintiff lacks standing and that his claims require the Court to decide non-justiciable political questions. Alternatively, the Court should exercise its equitable discretion not to grant the relief sought. In addition, Plaintiff has no cause of action under the Alien Tort Statute.

To the extent that the foregoing are not sufficient grounds to dismiss this lawsuit, plaintiff's action should be dismissed on the ground that information properly protected by the military and state secrets privilege would be necessary to litigate this action.

Date: September 24, 2010

TONY WEST  
Assistant Attorney General, Civil Division

RONALD C. MACHEN, Jr.  
United States Attorney

IAN HEATH GERSHENGORN  
Deputy Assistant Attorney General

DOUGLAS LETTER  
Terrorism Litigation Counsel

JOSEPH H. HUNT  
Director, Federal Programs Branch

VINCENT M. GARVEY  
Deputy Director, Federal Programs Branch

/s/ Anthony J. Coppolino  
ANTHONY J. COPPOLINO (D.C. Bar 417323)  
Special Litigation Counsel, Federal Programs Branch  
PETER D. LEARY  
Trial Attorney, Federal Programs Branch  
U.S. Department of Justice, Civil Division  
20 Massachusetts Ave., NW  
Washington, D.C. 20001  
(202) 514-3313