

No. 10-\_\_\_\_

**UNDER SEAL**

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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2010

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FARHI SAEED BIN MOHAMMED, ET AL.,

*Petitioners,*

v.

BARACK OBAMA, ET AL.,

*Respondents.*

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PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

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APPENDIX (VOLUME II)

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 05-5487

September Term 2008

05cv01509

Filed On: July 27, 2009

Jamal Kiyemba, Next  
Friend, et al.,

Appellees

v.

Barack Obama,  
President of the United  
States, et al.,

Appellants

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Consolidated with 05-  
5489

**BEFORE:** Sentelle, Chief Judge, and  
Ginsburg, Henderson, Rogers,\*  
Tatel,\* Garland, Brown,

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\* Circuit Judges Rogers, Tatel, and Griffith would grant the  
petition for rehearing en banc.

Griffith,\* and Kavanaugh,  
Circuit Judges

**ORDER**

Appellees' petition for rehearing en banc and the response thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to participate did not vote in favor of the petition. Upon consideration of the foregoing, it is

**ORDERED** that the petition be denied.

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk

Pages 73a to 89a are redacted in their entirety.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FARHI SAEED BIN :  
MOHAMMED, :  
 :  
Petitioner, : Civil Action  
 : No. 05-1347  
v. : (GK)  
 :  
BARACK H. OBAMA, *et al.*, :  
 :  
Defendants. :

**ORDER**

On May 27, 2010, Petitioner filed an Emergency Motion to Compel Compliance With This Court's Order of November 19, 2009 and For TRO and Injunction Against Transfer of Petitioner to Algeria. On June 2, 2010, the Government filed its Opposition. The Court is waiting for Petitioner's Reply, which is not yet due. Given the seriousness of the issues raised in this Motion, the Court hereby

**ORDERS** an Administrative Stay until the Motion is decided.

June 3, 2010

/s/ \_\_\_\_\_  
Gladys Kessler  
United States District Judge

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5200

September Term 2009  
1:05-cv-01347-GK

Filed On: June 25, 2010

Farhi Saeed Bin Mohammed, Detainee,  
Guantanamo Bay Naval Station and Moazzam  
Begg, as next friend of Farhi Saeed bin  
Mohammed,

Appellees

v.

Barack Obama, et al.,

Appellants

**BEFORE:** Tatel, Griffith, and Kavanaugh,  
Circuit Judges

**AMENDED ORDER**

It is **ORDERED**, on the court's own motion,  
that the order entered this day be amended to read  
as follows:

Upon consideration of the emergency motion  
for expedited summary reversal, the oppositions  
thereto, and the replies, it is

**ORDERED**, pursuant to this court's authority  
under the All Writs Act, 28 U.S.C. § 1651, that the  
district court resolve all outstanding motions in this

case by Tuesday, June 29, at 4:00 p.m., in a manner consistent with Munaf v. Geren, 553 U.S. 674 (2008), and Kiyemba v. Obama, 561 F.3d 509 (D.C. Cir. 2009) (Kiyemba II). The district court must resolve the motions in an order from which a party can take an immediate appeal. The district court is ordered to do so without requiring further testimony from Special Envoy Fried or any other United States government official. This order does not preclude the parties from voluntarily submitting further briefing or evidence to the district court regarding petitioner's claimed fear of private individuals or private groups in Algeria, which petitioner contends (but the government disputes) distinguishes this case from the binding precedents of Munaf and Kiyemba II. This court states no view at this time on how Munaf and Kiyemba II apply to petitioner's allegation.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer,  
Clerk

BY: /s/  
Cheri Carter  
Deputy Clerk



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

**No. 10-5218**

**September Term 2009  
1:05-cv-01347-GK**

**Filed On: July 12, 2010**

Farhi Saeed Bin Mohammed, Detainee,  
Guantanamo Bay Naval Station and Moazzam  
Begg, as next friend of Farhi Saeed bin  
Mohammed,

Appellees

v.

Barack Obama, et al.,

Appellants

**BEFORE:** Tatel, Griffith, and Kavanaugh,  
Circuit Judges

**ORDER**

Upon consideration of the motion to stay the  
mandate, the opposition thereto, and the classified ex  
parte supplement filed by the appellants, it is

**ORDERED** that the motion be denied.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer,  
Clerk

BY: /s/  
Cheri Carter  
Deputy Clerk