

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-1324

September Term 2008

CSRT-ISN-10020

Filed On: April 24, 2009

Majid Khan and Rabia Khan, as Next Friend,

Petitioners

v.

Robert M. Gates, U.S. Secretary of Defense,

Respondent

MANDATE	
<small>Pursuant to the provisions of Fed. R. App. Pro. 41(a)</small>	
ISSUED:	7, 30, 09
BY:	<i>[Signature]</i> , Deputy Clerk
ATTACHED:	<input type="checkbox"/> Amending Order <input type="checkbox"/> Opinion <input type="checkbox"/> Order on Costs

BEFORE: Henderson, Brown, and Griffith, Circuit Judges

ORDER

Upon consideration of the motion to dismiss and the response thereto; petitioner's motion for preservation of torture evidence, motion to declare interrogation methods applied against petitioner constitute torture, and motion to unseal petitioner's torture motions, the various responses thereto, and the replies; and the motion to unseal filed by The New York Times Company, The Associated Press, and USA Today, the supplement thereto, opposition, and reply, it is

ORDERED that this petition be dismissed without prejudice for lack of subject matter jurisdiction. See Bismullah v. Gates, 551 F.3d 1068 (D.C. Cir. 2009). It is

FURTHER ORDERED that the motion for preservation of torture evidence, motion to declare interrogation methods applied against petitioner constitute torture, and petitioner's motion to unseal petitioner's torture motions, and all filings in opposition to or support of those motions, be transferred to petitioner's habeas corpus action pending before the district court, No. 06cv1690 (D.D.C.), in accordance with petitioner's request and the government's assent thereto. Documents marked as classified will be transferred in accordance with the court's procedures for handling classified documents. This court's interim order filed December 11, 2007, will remain in effect pending transfer of the motions. It is

FURTHER ORDERED that the motion to unseal filed by The New York Times Company, The Associated Press, and USA Today be dismissed as moot in light of this court's transfer of the motions that are the subject of the unsealing request. This disposition is without prejudice to movants' renewal of their motion in district court.

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The Clerk is directed to note on the docket that all remaining matters pending in this case are terminated. Any information submitted to the court for designation as protected information will remain under seal in accordance with the Protective Order entered in this case.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Lynda M. Flippin
Deputy Clerk