

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
RABIA KHAN <u>ex rel.</u> MAJID KHAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-1690 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

In accordance with this Court’s oral ruling issued on June 2, 2009, in regards to the petitioner’s Motion for Expedited Judgment on the Pleadings, the Court reiterates that: (1) the petitioner, as an Asylee who was not within the jurisdictional boundaries of the United States of America at the time of his apprehension, is not protected by the Due Process Clause of the Fifth Amendment of the Constitution; (2) even assuming arguendo that the petitioner has Fifth Amendment due process rights, such protections will not necessarily trump the government’s national security interest to militarily detain him; and (3) if the allegations the government has made against the petitioner are proven to be true, they provide sufficient legal support to warrant the petitioner’s military detention under the Authorization for Use of Military Force pursuant to the standard articulated by the Court in Gherebi v. Obama, \_\_\_ F. Supp. 2d \_\_\_, Nos. 04-1164(RBW), 05-879(RBW), 05-883(RBW), 05-891(RBW), 05-999(RBW), 05-1493(RBW), 05-1667(RBW), 05-1697(RBW), 05-2104(RBW), 05-2386(RBW), 06-1675(RBW), 06-1690(RBW), 07-1710(RBW), 08-2019(RBW), 2009 WL 1068955, at \*1 (D.D.C. Apr. 22, 2009). Therefore, in accordance with the Court’s oral rulings issued at the motion hearing, it is

**ORDERED** that the petitioner’s motion is **DENIED** .

**SO ORDERED** this 8<sup>th</sup> day of June, 2009.

REGGIE B. WALTON  
United States District Judge