



their Motion [1207], nor have they filed one with the Court in the weeks since their motion. The Court will not consider granting respondents' motion unless respondents have completed the required search. It is therefore hereby

ORDERED that respondents' Motion [1207] for Leave to Amend the Factual Return for petitioner is DENIED without prejudice as to its refiling alongside a certification either that all reasonably available exculpatory evidence in the government's possession has been disclosed or that the government possesses no reasonably available exculpatory evidence that has yet to be disclosed; and it is further

ORDERED that if respondents intend to refile with certification as described above, they shall do so within 14 days of this Order or such further time as the Court may allow.

SO ORDERED.

Signed by Royce C. Lamberth, Chief Judge, on July 2, 2009.

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*discovered by the attorneys preparing the factual return for the petitioner.* The term also includes any other evidence the government discovers while litigating habeas corpus petitions filed by detainees at Guantanamo Bay or any other United States military facility.

(amending slightly Amended CMO § I.D.1) (emphasis added) (citation omitted).