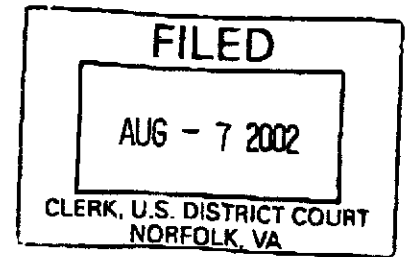


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



**YASER ESAM HAMD, and
ESAM FOUAD HAMD,**
As Next Friend of Yaser Esam Hamdi,

Petitioners,

v.

CIVIL ACTION NO. 2:02cv439

**DONALD RUMSFELD, and
COMMANDER W.R. PAULETTE,**

Respondents.

ORDER

On June 14, 2002, the United States Court of Appeals for the Fourth Circuit issued a stay of "all proceedings before the district court in connection with this detainee until resolution of this appeal." The Court of Appeals' Order went on to state that "all stays shall remain in effect pending further order of this Court." On July 12, 2002, the Court of Appeal issued its opinion and remanded the case to this Court. In keeping with the terms of the remand, and mindful that the habeas corpus statute, 28 U.S.C. § 2243, requires a highly expedited procedure, this Court proceeded quickly but with caution toward a determination of whether the Petitioner is an "enemy combatant" and therefore not entitled to the rights of either a prisoner of war or an indicted criminal.

The Court is mindful that throughout this latter course of these proceedings, the Respondents have repeatedly argued that this Court lacks the ability to proceed because they assert that the June 14, 2002, stay remains in effect. This Court believes that the terms of that order were complied with when the case was remanded by the order of July 12, 2002. Now, however, the Petitioner has filed with the Court of Appeals a Motion to Dissolve the Stay, suggesting now that each side in this case believes that a stay may remain in effect. To proceed under such ambiguity would simply divert attention away from the substance of this case toward further procedural wrangling. Accordingly, out of an abundance of caution,

this Court will suspend all proceedings in this case until the Court of Appeals has acted on the motion of the Petitioner for relief from the stay.

Therefore, the Court **ORDERS** that the hearing scheduled for August 8, 2002, at 2:00 p.m. is hereby cancelled.

The Clerk of the Court is **DIRECTED** to forward copies of this Order, both by fax and by U.S. mail, to all counsel of record, to the United States Court of Appeals for the Fourth Circuit, and to Yaser Esam Hamdi.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
August ⁷ 7, 2002