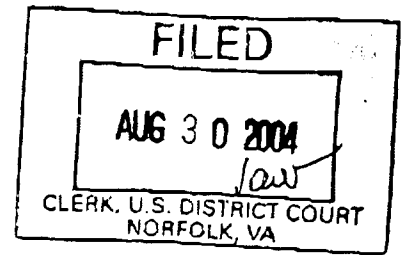


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



YASER ESAM HAMDI,

Petitioner,

v.

CIVIL ACTION NO. 2:02cv439

**DONALD RUMSFELD
and
COMMANDER C.T. HANFT,**

Respondents.

ORDER

The United States Court of Appeals for the Fourth Circuit has held that this Court does not possess jurisdiction to hear this matter, or any issues related to this matter, until on or after September 27, 2004. As a consequence, this Court's Order of August 27, 2004 is hereby **VACATED** as directed below.

This Court's Order of August 27, 2004 setting the trial date on the merits of the Petitioner's habeas corpus petition for August 31, 2004 at 10:00 a.m. is hereby **VACATED**. This Court is powerless to set a hearing date for the *habeas corpus petition* until it obtains jurisdiction in this matter on or after September 27, 2004.

This Court's Order of August 27, 2004 directing the Respondents to furnish specified materials in support of the Respondents' case-in-chief to Federal Public Defender Frank Dunham so that the Petitioner is made aware of the Respondents' case against him is hereby **VACATED**.

This Court's Order of August 27, 2004 directing the Respondents to proffer a sworn affidavit from the Commander of the Consolidated Naval Brig in Charleston, South Carolina explaining Petitioner Hamdi's continued incarceration in solitary confinement apart from any

76

other prisoners or actual or alleged enemy combatants is hereby **VACATED**.


Since the United States Court of Appeals for the Fourth Circuit retains jurisdiction over this matter and all issues related to this matter until September 27, 2004, if the Petitioner seeks any present relief from his conditions of confinement he should direct the matter to the United States Court of Appeals for the Fourth Circuit or any other court with appropriate jurisdiction.

The Clerk of the Court is **DIRECTED** to transmit this Order via facsimile and U.S. mail to all counsel of record.

IT IS SO ORDERED.

/S/ Robert G. Doumar

UNITED STATES DISTRICT JUDGE

August  30, 2004