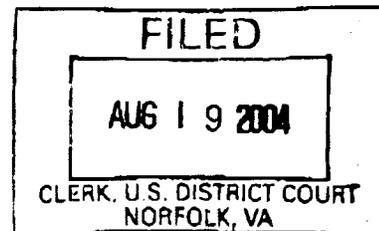


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



YASER ESAM HAMDI,

Petitioner,

v.

CIVIL ACTION NO. 2:02cv439

DONALD RUMSFELD

and

COMMANDER C.T. HANFT,

Respondents.

ORDER

This matter is before this Court on remand from the United States Court of Appeals for the Fourth Circuit, in accordance with the June 28, 2004 opinion of the United States Supreme Court and the August 6, 2004 opinion issued by the United States Court of Appeals for the Fourth Circuit.

On August 19, 2004, this Court held a telephone conference with lawyers for both the Petitioner and Respondents to discuss pending motions. As held in the telephone conference, the Joint Motion to Stay Proceedings for twenty-one days is **GRANTED** in part.

Respondents' Motion to Terminate Appointment of Counsel on the basis that Petitioner is ineligible for a court-appointed attorney is pending. According to representations made during the telephone conference, Respondents are considering withdrawing said motion. Respondents will notify the Court regarding its intent to either pursue or withdraw the motion to disqualify the Public Defender by 12:00 noon on August 20, 2004. Also pending before this Court is Petitioner's Motion for Leave to Amend Habeas Petition. Should either of these preliminary motions remain pending and opposed, and if a hearing is necessary, a hearing will be held to

decide said motions at a time prior to August 30, 2004. This Court will issue further Orders setting a time and place to hear such preliminary motions, should such a hearing be necessary.

Under any and all circumstances, this matter is set for a full hearing on the merits at 9:30 a.m. on Monday, August 30, 2004, in this Court, unless the matter is dismissed before that time. The Respondents are hereby **ORDERED** to produce Petitioner at this hearing at 9:30 a.m. on Monday, August 30, 2004, unless the matter is dismissed prior thereto.

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

Norfolk, Virginia

August 17, 2004