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JUDGMENT
UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED
August 6, 2004

No. 02-7338
CA-02-439-2

FILED
OCT - 1 2004
CLERK, U.S. DISTRICT COURT
NORFOLK, VA

YASER ESAM HAMDI; ESAM FOUAD HAMDI, as next friend of Yaser Esam Hamdi

Petitioners - Appellees

v.

DONALD RUMSFELD; W. R. PAULETTE, Commander

Respondents - Appellants

RUTH WEDGWOOD, Professor of Law, Yale University Law School, and Edward B. Burling Professor of International Law and Diplomacy, Johns Hopkins University; SAMUEL ESTREICHER, Professor of Law, New York University School of Law; RONALD ROTUNDA, George Mason University Foundation, Professor of Law, George Mason University School of Law; DOUGLAS W. KMIEC, Dean & St. Thomas More, Professor of Law, Catholic University; DAVID B. RIVKIN, JR.; LEE A. CASEY; DARIN R. BARTRAM;

Amici Curiae in support of Appellants

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A True Copy, Teste:
Patricia S. Connor, Clerk
BY Lisa Kerrigan
Deputy Clerk

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Law; CYNTHIA BOWMAN, Professor of Law, Northwestern University School of Law; MARK S. BRODIN, Professor of Law, Boston College Law School; BARTRAM S. BROWN, Professor of Law, Chicago-Kent College of Law, Illinois Institute of Technology; SUE BRYANT, Director of Clinical Education and Associate Professor of Law, CUNY School of Law; BURTON CAINE, Professor of Law, Temple University School of Law; EMILY CALHOUN, Professor of Law, University of Colorado School of Law; ANUPAM CHANDER, Acting Professor of Law, University of California, Davis, School of Law; ERWIN CHEMERINSKY, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science, University of Southern California Law School; PAUL G. CHEVIGNY, Joel S. and Anne B. Ehrenkranz Professor of Law, New York University Law School; PAUL CHILL, Clinical Professor of Law, University of Connecticut School of Law; GABRIEL J. CHIN, Rufus King Professor of Law, University of Cincinnati College of Law; CAROL CHOMSKY, Associate Professor of Law, University of Minnesota Law School; MARGARET CHON, Associate Professor of Law, Seattle University School of Law; MARJORIE COHN, Associate Professor of Law, Thomas Jefferson School of Law, San Diego; ROBIN MORRIS COLLIN, Professor of Law, University of Oregon School of Law; DENNIS E. CURTIS, Clinical Professor of Law, Yale Law School; ERIN DALY, Associate Professor of Law, Widener University; MICHAEL H. DAVIS, Professor of Law, Cleveland State University; MICHAEL DEUTSCH, Adjunct Professor of Law, Northwestern University School of Law; LAURA DICKINSON, Associate Professor, University of Connecticut School of Law; ROBERT DINERSTEIN, Associate Dean and Professor of Law, American University, Washington College of Law; JANE DOLKART, Associate Professor of Law, Dedman School of Law, Southern Methodist University; SHARON DOLOVICH, Acting Professor of Law, University of California at Los Angeles; DOUGLAS L. DONOHO, Professor of Law, Nova Southeastern University, Shepard Broad Law Center; DOLORES DONOVAN, Professor of Law, University of San Francisco School of Law; MARY L. DUDZIAK, Judge Edward J. and Ruey L. Guirado Professor of Law and History, University of Southern California Law School; Visiting Research Scholar, Woodrow Wilson School of Public and International Affairs, Princeton University; PAMELA EDWARDS, Assistant Professor of Law, CUNY School of Law; NANCY EHRENREICH, Associate Professor of Law, University of Denver College of Law; ROSA EHRENREICH BROOKS, Associate Professor of Law, University of Virginia School of Law; J. SOFFIYAH ELIJAH, Clinical Instructor, Criminal Justice Institute, Harvard Law School; SUSAN J. FEATHERS, Esq., Director, Public Service Program, University of Pennsylvania Law School; MARVIN FEIN, Associate Professor, University of Pittsburgh School of Law; TODD D. FERNOW, Professor of Law, Director, Criminal Clinic, University of Connecticut School of Law; SALLY FRANK, Professor of Law, Drake University School of Law; KATHERINE FRANKE, Professor of Law, Columbia University; ERIC M. FREEDMAN, Professor of Law, Hofstra University School of Law; NIELS W. FRENZEN, Clinical Assistant Professor of Law, University of Southern California; CRAIG B. FUTTERMAN,

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Amici Curiae in support of Appellees

On Remand from the Supreme Court of the United States
(03-6696)

The Supreme Court of the United States has remanded this case to this Court for further action.

This Court remands this case to the United States District Court for the Eastern District of Virginia at Norfolk.

For the Court,

/s/ Patricia S. Connor

CLERK

Filed: August 6, 2004

PUBLISHED

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versus

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Amici Curiae in support of Appellees.

ORDER

The United States Supreme Court has vacated the judgment and remanded this case. In obedience to the mandate of the Supreme Court we hereby remand the case to the Eastern District of Virginia for further proceedings consistent with the Supreme Court's decision. In light of the Court's holding in Rumsfeld v. Padilla, 124 S. Ct. 2711 (2004), we note that any motion with respect to the issue of venue may be addressed to the district court.

Entered at the direction of Chief Judge Wilkins, with the concurrence of Judge Wilkinson and Judge Traxler.