

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
DJAMEL AMEZIANE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-CV-0392 (ESH)
)	
BARACK OBAMA,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

**RESPONDENTS' RESPONSE TO PETITIONER'S MOTION TO
EXCLUDE EVIDENCE**

Respondents hereby respond to the Petitioner's motion to exclude. Petitioner has moved to exclude the document entitled "IIR 7 739 3301 02" and the attachment thereto. Without waiving their opposition to the legal arguments used to support Petitioner's motion, Respondents hereby withdraw their reliance upon the two documents at issue in supporting the lawfulness of the Petitioner's detention. Therefore, Petitioner's motion is now moot.

Dated: February 20, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

JOSEPH H. HUNT
Director

TERRY M. HENRY
Assistant Branch Director

/s/ Kathleen A. Servatius

PAUL AHERN

DANIEL M. BARISH

KATHLEEN A. SERVATIUS

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, N.W.

Washington, D.C. 20530

Tel: (202) 305-0568

Fax: (202) 305-2685