

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5130

September Term, 2020

1:05-cv-01971-ESH

Filed On: September 29, 2020

Mohammed Al Qahtani, Detainee, Guantanamo
Bay Naval Station and Manea Ahmed Al
Qahtani, as next friend of Mohammed
Al-Qahtani,

Appellees

v.

Donald J. Trump, President of the United
States, et al.,

Appellants

BEFORE: Henderson, Rogers, and Tatel, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the opposition thereto, and the reply; and the sealed motion for stay pending appeal and expedition, the sealed opposition thereto, and the sealed reply, it is

ORDERED that the motion to dismiss be granted. The district court's order granting a writ of mandamus did not "clearly grant[] or deny[] a specific request for injunctive relief" and is therefore not appealable as of right under 28 U.S.C. § 1292(a)(1). See Salazar ex rel. Salazar v. District of Columbia, 671 F.3d 1258, 1261 (D.C. Cir. 2012) (quoting Int'l Ass'n of Machinists & Aerospace Workers, AFL-CIO v. E. Air Lines, Inc., 849 F.2d 1481, 1486 n.11 (D.C. Cir. 1988)). To the extent that the district court's order had the "practical effect" of granting such relief, the government has not demonstrated that the order "might have a 'serious, perhaps irreparable, consequence,' and . . . can be 'effectually challenged' only by immediate appeal." Id. at 1262 (quoting Carson v. Am. Brands, Inc., 450 U.S. 79, 84 (1981)). Finally, the district court's order is not appealable under the collateral-order doctrine because the order did not "resolve an important issue completely separate from the merits of the action," and is not "effectively unreviewable on appeal from a final judgment." Citizens for Responsibility & Ethics in Washington v. U.S. Dep't of Homeland Sec., 532 F.3d 860, 864 (D.C. Cir. 2008) (quoting Coopers & Lybrand v. Livesay, 437 U.S. 463, 468 (1978)). It is

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FURTHER ORDERED that the motion for stay pending appeal and expedition be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro

Deputy Clerk