

FILED

SEP 27 2004

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LARRY W. PROPES, CLERK
CHARLESTON, SC

Jose Padilla,)
)
 Petitioner,)
)
 -versus-)
)
 Commander C. T. Hanft, USN)
 Commander, Consolidated Naval)
 Brig,)
)
 Respondent.)

C. A. No. 2:04-2221-26AJ

ENTERED
9/27/04

SCHEDULING ORDER

After consultation with the parties and the United States District Judge to whom this action is assigned and pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the following scheduling order is entered:

1. On or before October 18, 2004, the petitioner shall file his motion for summary judgment directed to whether the President of the United States may authorize his detention as an enemy combatant.

2. On or before October 18, 2004, the parties are directed to file stipulations of fact indicating with specificity the details of the petitioner's arrest including precise information as to where, when, by whom and at what stage of his repatriation and entry into the United States the arrest occurred. If the parties are unable to stipulate as to those facts, they are directed to file with their motion, response or reply thereto, affidavits, documents, discovery materials or other papers consistent with the requirements of Rule 56(e) of the Federal Rules of Civil Procedure establishing the party's assertions of

fact with regard to the details of the petitioner's arrest.

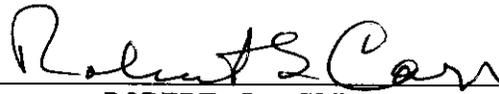
3. On or before November 22, 2004, the respondent shall file any opposition to the petitioner's motion for summary judgment.

4. On or before December 13, 2004, the petitioner shall file his reply, if any, to the respondent's opposition to the motion for summary judgment.

5. On January 5, 2005, oral arguments on the motion for summary judgment shall be held before the Honorable Henry F. Floyd, United States District Judge, at the United States Court House, 201 Magnolia Street, Spartanburg, S.C. at 2:00 P.M. Time and location are subject to change.

6. All pleadings shall be filed with the Clerk, United States District Court in Charleston, South Carolina, and copies filed contemporaneously in the Office of the Honorable Henry F. Floyd, United States District Judge, 201 Magnolia Street, Spartanburg, S.C.

IT IS SO ORDERED.



ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

September 27, 2004