

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 11-1324****September Term, 2013**

FILED ON: JULY 14, 2014

ALI HAMZA AHMAD SULIMAN AL BAHLUL,  
PETITIONER

v.

UNITED STATES OF AMERICA,  
RESPONDENT

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On Petition for Rehearing En Banc

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Before: GARLAND, *Chief Judge*, and HENDERSON, ROGERS, TATEL, BROWN, GRIFFITH, and  
KAVANAUGH, *Circuit Judges*

**J U D G M E N T**

This cause came on to be heard on the record on appeal from the United States Court of Military Commission Review and was argued by counsel. On consideration thereof and in accordance with the opinion filed herein this date, it is

**ORDERED** and **ADJUDGED**, in light of the court's rejection of petitioner's *ex post facto* challenge to the conspiracy conviction, that the conspiracy conviction be remanded to the original panel for consideration of petitioner's alternative challenges thereto. It is

**FURTHER ORDERED** and **ADJUDGED** that petitioner's convictions for providing material support for terrorism and solicitation of others to commit war crimes be vacated and, after consideration of petitioner's alternative challenges to the conspiracy conviction, the case be remanded to the Court of Military Commission Review to determine the effect, if any, of the vacatur on sentencing.

The Clerk is directed to withhold the mandate pending resolution of the remainder of the petition for review.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Jennifer M. Clark  
Deputy Clerk

Date: July 14, 2014

Opinion for the court filed by Circuit Judge Henderson.

Concurring opinion filed by Circuit Judge Henderson.

Opinion concurring in the judgment in part and dissenting filed by Circuit Judge Rogers.

Opinion concurring in the judgment in part and dissenting in part filed by Circuit Judge Brown.

Opinion concurring in the judgment in part and dissenting in part filed by Circuit Judge Kavanaugh.