

# **EXHIBIT 5**

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

**No. 07-5042**

**September Term, 2006**

04cv01519

Filed On: June 13, 2007 [1046545]

Salim Ahmed Hamdan,  
Appellant

v.

Robert M. Gates,  
Appellee

**ORDER**

It is **ORDERED**, on the court's own motion, that appellee file, within fifteen (15) days of the date of this order, a response to the petition for initial hearing en banc, not to exceed fifteen (15) pages. Absent further order of the court, the court will not accept a reply to the response.

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:

Deputy Clerk/LD