

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

_____)	
AMIR MESHAL,)	
)	
Plaintiff,)	
)	
v.)	No. 09-cv-2178 (EGS)
)	
CHRIS HIGGINBOTHAM, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Steve Hersem, Chris Higginbotham, John Doe 1, and John Doe 2 (collectively, the “Defendants”) respectfully submit this Notice to alert the Court to the United States Court of Appeals for the District of Columbia Circuit’s recent decision in *Ali v. Rumsfeld*, Nos. 07-5178, 07-5185, 07-5186, & 07-5187, 2011 WL 2462851 (D.C. Cir. Jun. 21, 2011). *Ali* affirms the United States District Court for the District of Columbia’s decision in *In re Iraq and Afghanistan Detainees Litigation*, 479 F. Supp. 2d 85 (D.D.C. 2007), to dismiss *Bivens* claims against high-level government officials because special factors counsel hesitation against recognizing the constitutional claims. The Defendants cited *In re Iraq and Afghanistan Detainees Litigation* in their Reply as support for their argument that Meshal’s constitutional claims should be dismissed because special factors counsel against the creation of the *Bivens* remedy Meshal seeks. *See* Defs.’ Reply at 5-6. *Ali* is thus relevant to the Court’s consideration of the Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint.

A copy of the decision is attached as an exhibit to this motion.

Respectfully submitted,

Dated: June 29, 2011

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