

*126 S. Ct. 622; 163 L. Ed. 2d 504;  
2005 U.S. LEXIS 8222, \*; 74 U.S.L.W. 3287*

Salim Ahmed Hamdan, Petitioner v. Donald H. Rumsfeld, Secretary of Defense, et al.

No. 05-184.

SUPREME COURT OF THE UNITED STATES

126 S. Ct. 622; 163 L. Ed. 2d 504; 2005 U.S. LEXIS 8222; 74 U.S.L.W. 3287

November 7, 2005, Decided

**PRIOR HISTORY:** [Hamdan v. Rumsfeld, 415 F.3d 33, 2005 U.S. App. LEXIS 14315 \(D.C. Cir., 2005\)](#)

**JUDGES:** [\*1] Roberts, Stevens, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, Breyer.

**OPINION:** Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. The Chief Justice took no part in the consideration or decision of this petition.

**05-184 HAMDAN V. RUMSFELD, ET AL.**

DECISION BELOW: 2005 WL 1653046

LOWER COURT CASE NUMBER: 04-5393

QUESTIONS PRESENTED

1. Whether the military commission established by the President to try petitioner and others similarly situated for alleged war crimes in the "war on terror" is duly authorized under Congress's Authorization for the Use of Military Force (AUMF), Pub. L. No. 107-40, 115 Stat. 224; the Uniform Code of Military Justice (UCMJ); or the inherent powers of the President?
2. Whether petitioner and others similarly situated can obtain judicial enforcement from an Article III court of rights protected under the 1949 Geneva Convention in an action for a writ of habeas corpus challenging the legality of their detention by the Executive branch?

Cert. Granted 11/7/05