

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ABUKAR HASSAN AHMED,	:	CASE NO. 2:10-cv-00342
Plaintiff,	:	Electronically filed
v.	:	District Judge: George C. Smith
	:	Magistrate Judge: Mark R. Abel
	:	
ABDI ADEN MAGAN,	:	PROPOSED ORDER
Defendant.	:	

THIS MATTER, having come before the Court by Plaintiff through his counsel, KEGLER BROWN HILL & RITTER, LATHAM & WATKINS LLP, and the CENTER FOR JUSTICE & ACCOUNTABILITY, by motion for partial summary judgment, or alternatively, for the entry of a default judgment; and the Court having considered the submissions of the parties in support of, and in opposition to this motion; and for good cause having been shown:

IT IS ON THIS ____ day of _____, 2012;

ORDERED that Plaintiff’s Motion for an Order granting partial summary judgment is **GRANTED**, finding that:

(1) Plaintiff was arbitrarily detained pursuant to his claims under the Alien Tort Statute (“ATS”);

(2) Plaintiff suffered cruel, inhumane, or degrading treatment pursuant to his claim under the ATS and the Torture Victim Protection Act (“TVPA”);

(3) Plaintiff suffered torture pursuant to this claim under the ATCA and TVPA;

(4) That Plaintiff suffered cruel, inhuman, or degrading treatment or punishment pursuant to his claim under the ATS;

(5) That Defendant is liable for Plaintiffs' arbitrary detention, torture, and cruel, inhuman or degrading treatment punishment:

(a) because he had command responsibility over those who perpetrated these acts;

(b) because he aided and abetted those who perpetrated these acts;

(c) because he conspired with those who perpetrated these acts; and

(d) because he participated in a joint criminal enterprise with the perpetrators.

ALTERNATIVELY, IT IS FURTHER ORDERED that a Default Judgment be entered against the Defendant under Fed. R. Civ. P. 37(b)(2)(A)(vi);

FURTHER ORDERED: that an evidentiary hearing will be scheduled to determine the amount of damages commensurate with either entry of partial summary judgment or a default judgment on _____, __, 2012.

United States Magistrate Judge