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VIA FACSIMILE & FIRST-CLASS MAIL

Hon. William K. Suter, Clerk
Supreme Court of the United States
One First Street N.E.
Washington, D.C. 20543

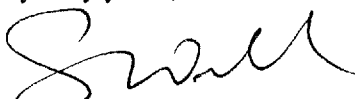
Re: *Kiyemba v. Obama*, No. 08-1234

Dear Mr. Suter:

We write to advise the Court of a development in this case. This morning the Federal Council of Switzerland announced that it would direct the Swiss Federal Office of Migration to issue residence permits to petitioners Arkin Mahmud and Bahtiyar Mahnut. While the prison rules at Guantanamo have not yet permitted counsel to confirm these arrangements with the petitioners, barring any resistance by the U.S. government (which we think unlikely) or reconsideration by Swiss authorities, it now appears likely that this will result in a transfer of two petitioners to Switzerland within sixty days.

Even at that point, however, the case will remain very much alive as to the five imprisoned petitioners who remain. If and to the extent the government disagrees, Petitioners submit that the question should be taken up at oral argument, either through merits and reply briefing of expanded length, or in briefs filed separately.

Very truly yours,


Sabin Willett

PSW/kmc

cc: Hon. Elena Kagan, Solicitor General
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