

[Oral Argument held September 8, 2005, and March 22, 2006]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LAKHDAR BOUMEDIENE, <i>et al.</i> ,)	
)	
Appellants,)	
)	
v.)	No. 05-5062
)	consolidated with
GEORGE W. BUSH, President of the)	No. 05-5063
United States, <i>et al.</i> ,)	
)	
Appellees.)	
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KHALED A. F. AL ODAH, <i>et al.</i> ,)	
)	
Appellees-Cross-Appellants,)	
)	
v.)	No. 05-5064
)	consolidated with
UNITED STATES OF AMERICA, <i>et al.</i> ,)	Nos. 05-5095 – 05-5516
)	
Appellants-Cross-Appellees.)	
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**MOTION OF HABEAS PETITIONERS FOR LEAVE TO FILE
SUPPLEMENTAL BRIEFS ON THE SIGNIFICANCE OF
THE MILITARY COMMISSIONS ACT OF 2006**

On October 17, 2006, the President signed the Military Commissions Act of 2006.

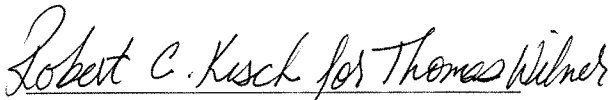
The MCA may have significance for these appeals. The issues raised include, among others,

- whether Section 7 of the MCA strips the Court of jurisdiction over these appeals and, if so, whether the MCA unconstitutionally suspends the writ of habeas corpus;
- whether Section 5 of the MCA unconstitutionally nullifies the ability of Petitioners to pursue their claims under the Geneva Conventions;
- whether the MCA unconstitutionally delegates to the Executive powers reserved to the judicial branch; and
- whether the definition of “unlawful enemy combatant” in Section 3 must be construed consistent with the Laws of War.

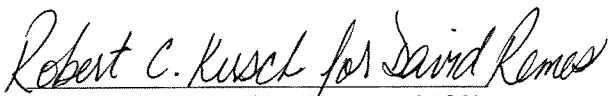
This Court has ordered supplemental briefing to address the significance for these appeals of an intervening statute (the Detainee Treatment Act of 2005) and intervening decisions (the Supreme Court's decision in *Hamdan v. Rumsfeld*). The *habeas* petitioners respectfully request leave to file supplemental briefs in each of these appeals, each not to exceed 10,000 words, on or before November 1, 2006.

The government has told counsel for the *habeas* petitioners that the MCA raises no issues it wishes to brief. Should the government seek leave to file supplemental briefs in response to Petitioners' briefs, the *habeas* petitioners respectfully ask the Court (i) to order the government to file any such briefs not later than seven calendar days after receipt of *habeas* petitioners' briefs; and (ii) to allow *habeas* petitioners to file supplemental reply briefs, each not to exceed 5,000 words, within five calendar days after receipt of any briefs filed by the government.

Respectfully submitted,



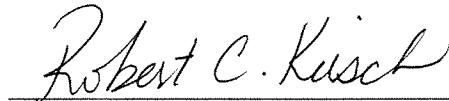
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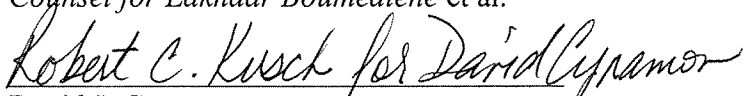
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CERTIFICATE OF SERVICE

I certify that today, October 17, 2006, I served the Boumediene Appellants' Motion For Leave to File Supplemental Briefs on the Effect of the Military Commissions Act on the Pending Appeals on the government by causing a copy to be mailed by first-class mail, postage prepaid, and to be electronically transmitted to:

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