

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHERIF el-MASHAD, et al.)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 1:05-CV-270 (JR)
)	
GEORGE W. BUSH, et al.,)	
)	
Respondents.)	
)	

**RESPONDENTS' NOTICE OF CHANGED CIRCUMSTANCES,
WITHDRAWAL OF MOTION, AND SUPPLEMENTAL MEMORANDUM**

Respondents respectfully submit this Notice of Changed Circumstances, Withdrawal of Motion, and Supplemental Memorandum in response to the separate supplemental memoranda filed by petitioners Adel Fattouh Aly Ahmed Algazzar (“Algazzar”) and Ala Abdel Maqsud Muhammad Salim (“Ala”) on January 17, 2006.

Information has recently come to respondents’ attention warranting further investigation and consideration by respondents such that there are no longer immediate plans to transfer, repatriate, or release either petitioner Algazzar or Ala at this time.

Thus, the specific circumstances that prompted Respondents’ Motion for Partial Modification of the Court’s April 7, 2005 Order (dkt. no. 40) as to petitioner Algazzar have changed, and respondents hereby withdraw that motion, without prejudice to its later renewal.

With respect to petitioner Ala’s pending motion for preliminary injunction, respondents continue to oppose that motion for the reasons stated in their previous submissions in this case

and in Alladeen v. Bush, Civ. A. No. 05-833 (JR), prior to its consolidation with this case,¹ and in light of the recently enacted Detainee Treatment Act of 2005, Pub. L. No. 109-148, tit. X, 119 Stat. 2680, amending 28 U.S.C. § 2241 to remove court jurisdiction to hear or consider applications for writs of habeas corpus and other actions brought by or on behalf of aliens detained at Guantanamo. However, respondents advise the Court that the specific immediate plans to repatriate petitioner Ala described in respondents' October 17, 2005 Memorandum in Opposition to Petitioners' Motion for Temporary Restraining Order and in Further Opposition to Petitioners' Motion for Preliminary Injunction (dkt. no. 16 in No. 05-833), are no longer operative at this time.

In light of this material change in circumstances and the withdrawal of respondents' motion to partially modify the stay as to petitioner Algazzar, respondents respectfully suggest that no need exists for the status conference currently set for Friday, January 27, 2006.

Dated: January 23, 2006

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

KENNETH L. WAINSTEIN
United States Attorney

¹ See generally Respondents' Memorandum in Opposition to Petitioners' Motion for Preliminary Injunction (filed Feb. 25, 2005; dkt. no. 13); Response to Order to Show Cause (filed May 20, 2005; dkt. no. 9 in No. 05-833); Respondents' Memorandum in Opposition to Petitioners' Motion for Temporary Restraining Order and in Further Opposition to Petitioners' Motion for Preliminary Injunction (filed Oct. 17, 2005; dkt. no. 16 in No. 05-833). The Court should be aware that while the officials supplying declarations in connection with these prior filings, Deputy Assistant Secretary of Defense Waxman and Ambassador Prosper, have both recently left office, the policies and practices set forth in their prior declarations remain in effect and are applicable to the instant case.

DOUGLAS N. LETTER
Terrorism Litigation Counsel

/s/ Terry M. Henry

JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)
TERRY M. HENRY
JAMES J. SCHWARTZ
PREEYA M. NORONHA
ROBERT J. KATERBERG
ANDREW I. WARDEN
NICHOLAS J. PATTERSON

Attorneys

United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel: (202) 514-4107
Fax: (202) 616-8470

Attorneys for Respondents