

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SALIM AHMED HAMDAN,

Petitioner,

v.

DONALD H. RUMSFELD, *et al.*,

Respondents.

CIVIL ACTION NO. 1:04-cv-01519 (JR)

**EMERGENCY MOTION TO COMPEL AND
FOR WRIT IN AID OF JURISDICTION**

Pursuant to Fed. R. Civ. P. 65, Fed. R. App. P. 23, and 28 U.S.C. § 1651, Petitioner respectfully moves for an order compelling Respondents (1) to comply with this Court's Order of November 8, 2004 (Ex. A) requiring them to keep Petitioner in the general prison population at Guantánamo; (2) to provide the Court and Petitioner's counsel with at least 30 days advance notice of any intended removal of Petitioner from the general prison population for other than medical ones not covered by this Court's order; and (3) to cease and desist all attempts to undermine counsel's relationship with Petitioners.

Respondents' actions have demonstrated a pattern of seeking to marginalize or eliminate the judicial function, up to the point of outright disobedience of duly entered court orders. Such actions began with Respondents' placement of such prisoners in Guantánamo, where Respondents hoped to persuade the federal courts that they were powerless to entertain the prisoners' claims, and have continued to this day. Cf. *United States v. Padilla*, Supreme Court Docket No. 05-533 (docketed Oct. 27, 2005).

1. This Court's Order of November 8, 2004 requires Respondents to keep Petitioner with the general prison population at Guantánamo. The Order remains in effect. Respondents

did not seek a stay of the Order, and the Court of Appeals has not issued its mandate pending consideration of Petitioner's August 11, 2005 motion to stay issuance of the mandate.¹

2. Late on Saturday evening, December 3, 2005, Petitioner's counsel received a call from their translator, Professor Charles P. Schmitz, Ph.D., of Towson University, Towson, Maryland, who had just arrived at Guantánamo. Dr. Schmitz reported that Petitioner had been removed from the general prison population on November 22, 2005; two weeks after the Supreme Court had granted review of his case. Dr. Schmitz further reported that Petitioner had been returned to the segregated pre-commission cellblock in Camp Delta named Tango, the location where Petitioner was held until this Court on November 8, 2004 ordered that he be "released from the pre-commission detention wing of Camp Delta and returned to the general population of detainees unless some reason other than the pending charges against him requires different treatment." *Hamdan v. Rumsfeld*, 344 F. Supp. 2d 152, 174 (D.D.C. 2004)

3. Petitioner described Tango to the translator as the cellblock where he was being held at the time of this Court's order. Tango is segregated from the rest of the cellblocks by screens. Communication to those outside of the cellblock is prohibited. As at Camp Echo, where Mr. Hamdan was initially held in pre-trial isolation, the command structure of the guards at Tango is separate from the command structure of the other cellblocks in Camp Delta. Tango is also smaller than the normal cellblock, having a capacity of 24 instead of the usual 48. Prisoners are moved from Tango to other locations, for counsel visits or other purposes, in a closed van instead of the open vehicles that are used to move prisoners in the other cellblocks. (Schmitz Aff. ¶¶ 5.1.)

¹ Respondents issued a press release on the day of this Court's order stating that it would seek an immediate stay of this Court's injunction. See DOJ Press Release, Nov. 8, 2004, available at http://www.usdoj.gov/opa/pr/2004/November/04_opa_735.htm. Respondents never filed such a motion.

4. Petitioner also related to Dr. Schmitz that the only other prisoners currently being held in Tango are David Hicks, Ali Hamaz Ahmed Sulayman al Bahlul, and Ibrahim Ahmed Mahmoud al Qosi. Mr. Hamdan had been moved from Camp Echo to Camp Delta in October 2004 together with Messrs. Hicks, al Bahlul, al Qosi, and two British prisoners, Moazzam Begg and Feraz Abassi, who were later released. Messrs. Hicks, al Bahlul, and al Qosi, who also face proceedings before military commissions, were moved to Tango in October 2005. (Schmitz Aff. ¶¶ 5.m.)

5. Dr. Schmitz reports that the Petitioner also told him that when Petitioner asked a senior camp official why he had been returned to Tango, the official told Petitioner that he had returned to Tango because Petitioner was facing commission proceedings and therefore should be with the other detainees that are before a commission. Petitioner informed the official that he had an Order from this Court barring his removal from the general population for this reason. The official replied that he was unaware of any such Court Order, and that the order to return Petitioner to Tango came from the Commanding General. (Schmitz Aff. ¶¶ 5.g. and h.)

6. Following his move Petitioner repeatedly asked for his counsel to be notified of the action and Petitioner's desire to see his counsel to no avail. Respondent's failure to notify counsel as requested caused Petitioner's belief that his counsel was deliberately ignoring Respondent's violation of this Court's order thereby engendering anger and distrust between Petitioner and his Counsel.

7. Dr. Schmitz reports that Petitioner has been placed near Mr. al Bahlul. Mr. al Bahlul fired his defense counsel and is known among the prisoners and by the camp authorities to actively oppose cooperation with defense counsel. Mr. al Bahlul has significantly more education

than Petitioner and is a position to exert substantial influence on Petitioner in his heightened emotional state. (Schmitz Aff. ¶¶ 5.m. and Exhibit B.)

8. Placing Petitioner in a cell with another prisoner such as Mr. al Bahlul threatens to undermine Petitioner's relationship with his counsel and Petitioner's ability to defend himself in any military commission proceedings. Each of these results is one that Respondents could not lawfully attempt to achieve directly, and should not be permitted to achieve indirectly.

9. In substantial part, this Court ordered Petitioner's return to the general prison population in order to alleviate the psychological trauma that he experienced as a result of his semi-isolation at Tango and his solitary isolation at Echo. Respondents' removal of Petitioner from the general prison population, his return to Tango, and his consequent isolation, threaten to compound that psychological trauma.²

10. Respondents have reportedly told Petitioner that he was moved to the segregated unit because he is facing military commission proceedings. From the fact and timing of his move, Petitioner is bound to suspect or conclude that his counsel is useless, and that his habeas action is hopeless and near an end.

11. Respondents' actions violate the Court's Order of November 8, 2004. Their actions serve no purpose other than to induce Petitioner to fire his counsel and withdraw his habeas action. In addition to the personal consequences for Petitioner, those results have the potential to destroy this Court's habeas jurisdiction and damage his relationship with counsel to such an ex-

² An *amici* brief filed in the Court of Appeals for the D.C. Circuit by individuals and organizations with expertise on the physical and psychological effects of prolonged detention stated that "prolonged solitary confinement can produce confusion, paranoia, and hallucinations, as well as severe agitation and impulsive violence (including suicide) – effects that can be long term." *Brief of Amici Curiae Human Rights First, Physicians for Human Rights, et al. in Support of Petitioner-Appellee*, at p. 7 available at <http://www.law.georgetown.edu/faculty/nkk/documents/BriefofAmiciCuriaeHumanRightsFirst.pdf>.

tent so as to preclude complete and proper representation in his case, which is pending before the Supreme Court of the United States. The Court granted certiorari on November 7, 2005.

12. This is not the first time that Respondents have violated this Court's Order. When they returned Petitioner to the general prison population in November of 2004 on this Court's Order, they placed Petitioner in a cellblock where his cell was separated from those of the other prisoners in the cellblock by four empty cells in all directions. Camp rules at that time allowed prisoners to communicate only with other prisoners within the four cells nearest his own. Respondents thus defied both the letter and spirit of the Court's Order by moving Petitioner from *de jure* isolation in Tango to *de facto* isolation elsewhere. Normally in the military, such conduct is not tolerated. (Exhibit C.)

13. Petitioner's counsel, upon learning of this situation in January 2005, sought to rectify it without involving this Court through discussions with counsel for Respondents. (Ex. C.) Respondents' counsel denied that Respondents had defied the Court's Order in substituting *de facto* for the *de jure* isolation barred by the Court. Respondents, however, mooted the controversy by moving Petitioner to a cellblock where the cells adjacent to his were occupied, and Petitioner refrained from involving the Court.

14. Respondents' actions with respect to this Court's Order have given the Petitioner reason to believe that his counsel have abandoned him or are powerless to protect him. To prevent further damage to his relationship with his counsel, Petitioner requests that Respondents be ordered to provide his counsel with 30-days' notice of any intended movement of Petitioner except in circumstances of medical need. Such notice will enable Petitioner to consult with his counsel and enable counsel to schedule a visit under existing travel rules, which require counsel to schedule their visits 30 days in advance.

15. Respondents' actions are consistent with other actions that they have taken to shield from judicial scrutiny their treatment of prisoners whom they assert are terrorists, have committed terrorist acts, or have been associated with or supported terrorists. Such actions began with Respondents' placement of such prisoners in Guantánamo, where Respondents hoped to persuade the federal courts that they were powerless to entertain the prisoners' claims, and have continued to this day. Respondents' actions are also consistent with other actions that they have taken to prevent Supreme Court review of Court of Appeals decisions in their favor, *e.g.*, *United States v. Padilla*, Supreme Court Docket No. 05-533 (docketed Oct. 27, 2005).

ARGUMENT

Respondents' actions are contrary to the fundamental principle that that "[a]n order issued by a court having jurisdictions of the person and subject matter must be obeyed, even though the defendants may sincerely believe that the order is ineffective and will finally be vacated" *Land v. Dollar*, 190 F.2d 366, 379 (C.A.D.C. 1951). *See also United States v. United Mine Workers*, 330 U.S. 258, 293 (1947) (same); *In re Door*, 195 F.2d 766, 769 (1952). The Supreme Court of the United States has also warned that "[i]f a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery." *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418, 450 (1911).

In removing Petitioner from the general prison population, Respondents violated this Court's Order of November 8, 2004. This disregard of the judicial power threatens "the necessities of orderly process under our constitutional system of government." *Land*, 190 F.2d. at 379. *See Howat v. Kansas*, 258 U.S. 181, 189 (1992). It cannot be tolerated.

Without knowing more, Petitioners' counsel cannot say whether the Court should hold Respondents in contempt. Petitioners' counsel can say that Respondents have placed Petitioner at risk of further psychological trauma, which is not only cruel but likely to impair Petitioners' ability to defend himself at trial. Respondents have also created conditions serving no purpose other than to induce Petitioner to fire his counsel and, potentially, to withdraw his habeas action, potentially destroying this Court's jurisdiction and undermining effective Supreme Court review.

CONCLUSION

To compel Respondents' compliance with its Order of November 8, 2004, to preserve the Court's jurisdiction over Petitioner's action, and to prevent Respondents from depriving Petitioner review of his case by the Supreme Court, this Court should grant the requested relief.

Because the circumstances of Petitioner's imprisonment make it difficult, if not impossible, for his defense counsel to monitor Respondents' compliance with this Court's orders, Petitioner respectfully requests that this Court assist in monitoring such compliance.

Counsel for Petitioner contacted Counsel for Respondents as required by Local Rule 7(m) during the early morning of December 5, 2005. Counsel for Petitioner and Counsel for Respondents again discussed the Petitioner's transfer to Pre-commission segregation in cellblock Tango in the late afternoon of December 5. At the close of that discussion, counsel for Respondents indicated that he would get back to Counsel for Petitioner within an hour. As of the time of this filing Counsel for Respondents has not again communicated with undersigned counsel.

Dated: Washington D.C.
December 6, 2005

Respectfully submitted,

/s/ Charles D. Swift

Lt. Commander Charles D. Swift
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U.S. Department of Defense
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(202) 628-6600
(202) 434-1690

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this December 6, 2005, a copy of the foregoing Emergency Motion to Compel and For Writ in Aid of Jurisdiction was served both electronically and by first class United States Mail, postage prepaid, to the following:

Robert M. Loeb
Attorney, Appellate Staff
Civil Division, Room 7263
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Sharon Swingle
Attorney, Appellate Staff
Civil Division, Room 7250
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

/s/ Jennifer A. Maclean
Jennifer A. Maclean

DECLARATION OF CHARLES P. SCHMITZ, Ph.D

I, Charles P. Schmitz, Ph.D., of Baltimore, Maryland, state that the following is true and correct to the best of my knowledge:

1. I am the translator and evidentiary consultant to Salim Ahmed Hamdan's detailed military trial defense team. I have served in this capacity since January 2004.

2. I am a specialist on Yemen and Arab political economy. I am also an associate professor in the Department of Geography and Environmental Planning at Towson University in Towson, Maryland, where I teach Globalization and Development, Politics and Social Change, Social Theory, and North Africa and Southwest Asia. I am a specialist on Yemen and am frequently called upon to write and consult on Yemeni affairs. Prior to my employment at Towson, I completed my doctoral work in 1997 at the University of California at Berkeley in the Department of Geography. My MA (Geography, 1992) and my BS (CNR, 1982) were also completed at the University of California at Berkeley. I was a Fulbright Scholar in Yemen in 1993-94. I have attained a high level proficiency in Arabic through an intensive series of Arabic language courses including four years of coursework at UC Berkeley, a summer at the Center for Arabic Studies Abroad (CASA) at the American University of Cairo in 1992 and specialized studies at the Yemen Language Center in Sana'a, Yemen in 1993.

3. On December 3, 2005, I met with Mr. Hamdan at the request of his military defense counsel LCDR Charles Swift JAG Corps USN. Mr. Hamdan was extremely agitated and angry that his attorney had not come as he had requested. During that meeting Mr. Hamdan told me that on November 22, 2005 he had been moved from general population to cellblock Tango and wanted to see his attorney.

4. Tango is the pre-commission segregation cellblock within Camp Delta where Mr. Hamdan was imprisoned during the fall of 2004 before the U.S. District Court for the District of Columbia ordered him returned to the general prison population.

5. Mr. Hamdan told me the following:

a. On the first or second day of his return to Tango, Mr. Hamdan asked the military guard in charge of the cellblock why he had been moved there. The guard replied that he did not know but promised to get Mr. Hamdan the answer.

b. When the guard failed to follow through, Mr. Hamdan asked to see the Camp Sergeant Major. Mr. Hamdan was told that his request would be conveyed to the Sergeant Major.

c. On November 24, 2005, the Sergeant Major entered Tango. He proceeded to the far end of the cellblock, ignoring Mr. Hamdan. When the Sergeant Major returned through the cellblock, another prisoner informed him that Mr. Hamdan wished to speak with him. The Sergeant Major then approached Mr. Hamdan, who promptly requested a translator to facilitate communication. Half an hour later, the Sergeant Major returned with a translator.

d. Mr. Hamdan demanded to be told why he had been moved to Tango. The Sergeant Major answered that he did not know but that the order came from the General. Mr. Hamdan explained to the Sergeant Major that he had been removed from Tango, to the general prison population, by order of a federal court, and he again demanded to know why he had been returned. The Sergeant Major again answered that he did not know but promised to get Mr. Hamdan the answer.

e. At the end of the November 24, 2005 meeting, Mr. Hamdan asked the Sergeant Major to convey to defense counsel that Mr. Hamdan wanted defense counsel to visit him on December 4, 2005, when Mr. Hamdan was scheduled to meet with the defense team's paralegal, so that Mr. Hamdan could discuss the transfer with his lawyer. The Sergeant Major promised to convey the message.

f. On November 28, 2005, Mr. Hamdan began a hunger strike. The soldiers at Tango asked Mr. Hamdan whether he was striking but did not ask why. On the morning of November 29, 2005, the head guard of Tango told Mr. Hamdan that Hamdan had a meeting.

g. That afternoon Mr. Hamdan was taken to meet with the Sergeant Major. The Sergeant Major said that he knew why Mr. Hamdan had been transferred to Tango. The Sergeant Major explained that because Mr. Hamdan was designated for military commission proceedings, it was determined that Mr. Hamdan should be kept with the other prisoners who had been designated for such proceedings.

h. Mr. Hamdan again told the Sergeant Major that a federal court had ordered him placed in the general prison population. The Sergeant Major disclaimed knowledge of the court order and again stated that the order to return Mr. Hamdan to Tango came from the General.

i. Near the end of the November 29, 2005 meeting, Hamdan reiterated that the court had ordered him placed in the general prison population. The Sergeant Major said that he would meet with the General in the next day or so and

convey to the General all that Mr. Hamdan had told him, and that he would get back to Mr. Hamdan in the next few days.

j. Mr. Hamdan asked the Sergeant Major whether his request of November 24 to meet with defense counsel had been conveyed. The Sergeant Major replied that he had sent a message to the Army's lawyers (meaning the Staff Judge Advocate (SJA) office for Joint Task Force Guantanamo) asking that they convey Mr. Hamdan's request to defense counsel.

k. The Sergeant Major told Mr. Hamdan that he understood that Mr. Hamdan was on a hunger strike and asked why. Mr. Hamdan replied that he was striking because he was being wronged. The Sergeant Major urged Mr. Hamdan to eat, but Mr. Hamdan stated that he would eat only when the wrong was righted. The Sergeant Major again urged Mr. Hamdan to resume eating, and Mr. Hamdan responded by demanding that the wrong be righted. Mr. Hamdan resumed eating that evening.

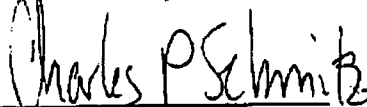
l. Tango is the cellblock from which Mr. Hamdan was moved in October of 2004. Tango is separated from the rest of the cellblocks by screens, and talking to other prisoners outside the block is prohibited. As at Camp Echo, where Mr. Hamdan was initially held in pre-trial isolation, the command structure of the guards at Tango is separate from the command structure of the other cellblocks in Camp Delta. Tango is also smaller than the normal cellblock, having a capacity of 24 instead of the usual 48. Prisoners are moved from Tango in a closed van instead of the open vehicles that are used to move prisoners in the other cellblocks.

m. The only other prisoners currently being held in Tango are David Hicks, Ali Hamaz Ahmed Sulayman al Bahlul, and Ibrahim Ahmed Mahmoud al Qosi. Mr. Hamdan had been moved from Camp Echo to Camp Delta in October 2004 together with Messrs. Hicks, al Bahlul, al Qosi, and two British prisoners, Moazzam Begg and Feraz Abassi, who were later released. Messrs. Hicks, al Bahlul, al Qosi, who also face proceedings before military commissions, were moved to Tango in October 2005.

6. On December 5, 2005, I went to the SJA's office to drop off family photographs for Mr. Hamdan. During that visit I asked whether the Assistant SJA (Navy LCDR) knew why Mr. Hamdan had been returned to Tango. The Assistant SJA stated that he did not know anything about it, that "he didn't track him personally."

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2005, at United States Naval Station, Guantanamo Bay.


Charles P. Schmitz

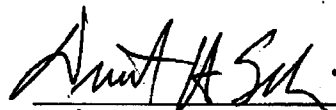
DECLARATION OF COLONEL DWIGHT H. SULLIVAN, USMCR

I, Colonel Dwight H. Sullivan, United States Marine Corps Reserve, state the following is true and correct to the best of my knowledge:

1. I am the chief defense counsel for the Office of Military Commissions.
2. In this capacity, I met with Ali Hamza Ahmad Sulayman al Bahlul on September 14, 2005.
3. Mr. al Bahlul stated the following and specifically authorized the transmission of this information to others: Mr. al Bahlul did not wish to be represented at his military commission trial by any American lawyer, regardless of whether such an American lawyer was a military counsel or a civilian counsel. He also directed that no American lawyer visit him in the detention camps at Naval Station Guantanamo Bay.
4. No defense counsel in commission cases, including military counsel, are allowed to communicate with their clients by telephone. For a defense counsel to speak with his or her client, the defense counsel must fly to Naval Station Guantanamo Bay. Standard operating procedure requires counsel to request a country clearance 20 days before traveling to Guantanamo Bay, though this 20-day rule is sometimes waived in exceptional circumstances. Military defense counsel must travel to Guantanamo on U.S. military flights, the availability of which is limited.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2005, in Arlington, Virginia.



Dwight H. Sullivan



**DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF DEFENSE COUNSEL
1620 DEFENSE PENTAGON
WASHINGTON, DC 20301-1620**

21 January 2005

The Honorable, Paul D. Clement
Acting Solicitor General of the United States
Room 5614
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D., 20530-0001

RE: District Court Order in Hamdan v. Rumsfeld, Civil Action No. 04-1519 (JR)

Dear Mr. Solicitor General

While visiting Mr. Hamdan on January 16th to the 18th to consult/appraise him of the status of his case, Mr. Hamdan's military defense team confirmed that Mr. Hamdan is being held in conditions tantamount to solitary confinement. Specifically, Mr. Hamdan is confined in a manner calculated to prevent him from speaking to or having contact with any other detainee. The four cells adjacent to and across from Mr. Hamdan are kept unoccupied, preventing him under camp rules from being able to converse with other detainees while in his cell. When Mr. Hamdan is taken out of his cell for exercise, unlike other Level One detainees, he is required to exercise in isolation and is not permitted to speak to other detainees in adjacent exercise areas. In an effort to ensure Mr. Hamdan's isolation, he is taken for exercise before all of the other detainees on his block, usually prior to sunrise. These rules are contrary to the privileges permitted other Level One detainees. When Mr. Hamdan has questioned Camp authorities as to why he is being held in this manner he has been told that there are "special instructions" for him alone.

Returning Mr. Hamdan to isolation has again had severe mental and emotional consequences for him – the very same consequences our psychologists have continually warned about. On or about January 1st, 2005, Mr. Hamdan was placed on a suicide watch after it was noted that he was destroying some of his papers and a picture of his children. During the subsequent medical exam, Mr. Hamdan was told by the treating physician that the physician could not do anything to address Mr. Hamdan's isolation. Mr. Hamdan's military defense team also has noted a significant decline in Mr. Hamdan's emotional stability. Based on discussions with Mr. Hamdan and previous medical opinions of Dr. Matthews, Mr. Hamdan's military defense team attributes the above symptoms to the government's decision to return Mr. Hamdan to conditions tantamount to solitary confinement.

Confinement in the above conditions violates the District Court's Order that Mr. Hamdan be returned to general population in Camp Delta, in that Mr. Hamdan is isolated and held apart from that population and is prevented from exercising privileges

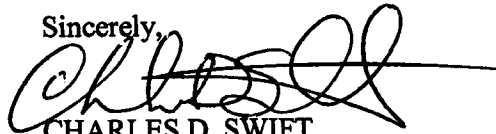


commensurate with his detention level. To construe the District Court's Order to permit the government to erect the equivalent of a one-man Camp Echo within the confines of Camp Delta is to ignore the meaning and the intent of the District Court's Order.

On Mr. Hamdan's behalf and at his request it is hereby demanded that Mr. Hamdan be integrated into the general population of Camp Delta with the privileges commensurate with his detention level. This letter is addressed to your office rather than to the Commander Joint Task Force (JTF) Guantanamo based on the representation of the Staff Judge Advocate for JTF Guantanamo that all questions concerning Mr. Hamdan's detention should be directed to your office.

Your prompt attention and reply to this matter is greatly appreciated. Should you have any questions concerning this letter, I may be contacted at 703-607-1521 ext. 191 or via email at swiftc@dodgc.osd.mil.

Sincerely,



CHARLES D. SWIFT

Lieutenant Commander, Judge Advocate General Corps
United States Navy
Detailed Defense Counsel

CC:
Secretary of Defense
General Counsel Department of Defense
General Counsel Secretary of the Navy
Commander Joint Task Force Guantanamo
Appointing Authority, Military Commissions
Chief Prosecutor for Military Commissions
Chief Defense Counsel for Military Commissions

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SALIM AHMED HAMDAN,

Petitioner,

v.

DONALD H. RUMSFELD, *et al.*,

Respondents.

CIVIL ACTION NO. 1:04-cv-01519 (JR)

**[PROPOSED] ORDER GRANTING PETITIONER'S
MOTION TO COMPEL AND FOR WRIT IN AID OF JURISDICTION**

UPON CONSIDERATION of Petitioner Salim Ahmed Hamdan's Motion To Compel and For Writ in Aid of Jurisdiction, any responses thereto, and all record materials relating to the Motion, it is hereby

ORDERED, that Respondents return Petitioner to the general population of camp Delta, and thereafter hold Petitioner in conditions of confinement commensurate with the regularly established security and discipline levels of Camp Delta; and it is further

ORDERED, that Respondents shall provide Petitioner's counsel with 30-days' advance notice of any intended removal of Petitioner from the general prison population for any reason other than medical need; and it is further

ORDERED, that the notice required by this Order may be shortened by agreement of the parties, or as directed by the Court for good cause shown.

ORDERED this _____ day of December, 2005.

Honorable James Robertson
United States District Court Judge