

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

MAJID ABDULLA AL-JOUDI, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Civil Action No. 05-301 (GK)

SALEH ABDULLA AL-OSHAN, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Civil Action No. 05-520 (RMU)

NOTICE OF RECENT ACTIVITY IN GUANTÁNAMO CASES

Petitioners jointly submit this notice of recent activity in Guantánamo cases in further support of their pending stay-and-abey motions and their oppositions to the government's pending motions to dismiss. On June 29, 2007, the Supreme Court took the extraordinary step of granting the petitions for rehearing and petitions for certiorari in *Boumediene v. Bush*, S. Ct. No. 06-1195, and *Al Odah v. Bush*, S. Ct. No. 06-1196. (Ex. 1.) For this reason, and those set forth in Petitioners' Motion to Stay and Abey and Dismiss and Opposition to Respondents' Motion to Dismiss, the Court should grant Petitioners' motion to stay and abey Petitioners' habeas

proceedings and deny Respondents' motion to dismiss.¹ *See* Minute Order, *Al Shareef v. Bush*, No. 05-2458 (RWR) (D.D.C. July 2, 2007) (granting stay pending the Supreme Court's disposition of *Boumediene* and *Al Odah*).

Dated: New York, New York
July 3, 2007

Respectfully submitted,

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By: /s/ Julia Tarver Mason
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¹ Recent activity in other Guantánamo cases offers additional support for this disposition of the motions. First, the D.C. Circuit issued an order in *Al Gingo v. Bush*, D.C. Cir. No. 06-5191, on June 7, 2007, making clear that this Court has jurisdiction to grant Petitioners' stay-and-abey motions and may deny the government's motions to dismiss. Second, a petition is pending in the D.C. Circuit seeking initial *en banc* hearing in *Hamdan v. Gates*. The petition asks the D.C. Circuit to overrule its decision in *Boumediene*. The D.C. Circuit considers the petition sufficiently substantial that it has ordered the government to file a response. Third, the D.C. Circuit is considering in *Bismullah v. Gates* and *Parhat v. Gates* the scope of judicial review of Combatant Status Review Tribunal (CSRT) decisions and protective order to govern cases brought in the D.C. Circuit under the Detainee Treatment Act of 2005 (DTA), Pub. L. No. 109-148, tit. X, 119 Stat. 2739 (2005). The D.C. Circuit's decision may be relevant to this Court's consideration of any applications by the government to vacate or modify the protective order that governs these habeas cases. Fourth, also pending in the Supreme Court is an original habeas petition that directly challenges the MCA jurisdictional holding of the Court of Appeals. *In re Ali*, S. Ct. No. 06-1194. The Supreme Court considers the *Ali* petition sufficiently serious that it invited the Solicitor General to respond. In response, the Solicitor General moved to dismiss Ali's petition. On June 25, 2007, the Court granted Ali's motion to file under seal a response to the government's motion.