

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

_____)	
IN RE:)	
)	Misc. No. 08-442 (TFH)
GUANTÁNAMO BAY)	
DETAINEE LITIGATION)	
_____)	
AL QOSI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:04-cv-01937 (PLF)
)	
BARACK H. OBAMA,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

**PETITIONER’S CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO RESPONDENTS’ MOTION TO DISMISS HABEAS PETITION
WITHOUT PREJUDICE OR, ALTERNATIVELY, TO HOLD PETITION IN
ABEYANCE PENDING COMPLETION OF MILITARY COMMISSION
PROCEEDINGS.**

Petitioner, Ibrahim al Qosi, hereby moves for an extension of time in which to file his opposition to the Respondents’ *Motion to Dismiss Habeas Petition Without Prejudice or, Alternatively, to Hold Petition in Abeyance Pending Completion of Military Commission Proceedings*. Mr. al Qosi moves that he be granted through and including Monday, February 2, 2009 to file his opposition. As grounds for this Motion, Mr. al Qosi states:

1. The Respondent’s Motion was filed on January 16, 2009.

2. Pursuant to D.C. Local Civ. R. 7, Petitioner's opposition is due January 27, 2009.

3. On January 20, 2009, Barack H. Obama took office as President of the United States. President Obama is now the Commander-in-Chief of the United States Armed Forces.

4. On January 22, 2009, President Obama issued an Executive Order, "Review and Disposition of Individuals Detained at the Guantánamo Naval Base and Closure of Detention Facilities." The Executive Order directed Secretary of Defense Robert Gates to ensure that "all proceedings of such military commissions to which charges have been referred but in which no judgment has been rendered...are halted." Exec. Order No. ____, Sec. 7 (Jan. 22, 2009).

5. The Executive Order issued on January 22 also declared that "[i]t is in the interests of the United States that the executive branch conduct a prompt and thorough review of the circumstances of the individuals currently detained at Guantánamo who have been charged with offenses before military commissions pursuant to the Military Commissions Act of 2006, Public Law 109-366, as well as of the military commission process more generally." Id. at Sec. 2(g).

6. On January 23, 2009, the Government filed a motion seeking a 120 day continuance in Mr. al Qosi's military commission trial.

7. As a result of the recent Executive Order and the Government's motion for a continuance in his military commission trial, Petitioner's circumstances have changed significantly since the Respondent's *Motion to Dismiss* was filed. Petitioner would like additional time to assess and respond to the impact of these recent developments.

8. Petitioner has sought and received the consent of counsel for Respondents to the relief requested in this Motion.

9. As a result of their communications, counsel for all Parties have also agreed that Petitioner's opposition may be filed on or before Monday, February 2, 2009.

WHEREFORE, Petitioner respectfully requests entry of an order permitting him to file his opposition on or before February 2, 2009.

Respectfully submitted,
IBRAHIM AHMED MAHMOUD AL QOSI
PETITIONER
By his attorneys,

/s/ Sarah A. Altschuller
Paul S. Reichler, DC Bar No. 185116
Lawrence H. Martin, DC Bar No. 476639
Sarah A. Altschuller, DC Bar No. 489202
Foley Hoag LLP
1875 K Street, NW
Suite 800
Washington, DC 20006
(202) 223-1200

Dated: January 27, 2009

LOCAL RULE 7.1(m) CERTIFICATION

Pursuant to Local Rule 7.1(m), the undersigned certifies that she conferred with Respondents' counsel, Kristina Wolfe, to determine whether Respondents would consent to this Motion. Respondents' counsel indicated that the Government consents to the relief requested in this Motion.

/s/ Sarah A. Altschuller
Sarah A. Altschuller

CERTIFICATE OF SERVICE

I, Sarah A. Altschuller, hereby certify that I have caused a true and accurate copy of Petitioner's *Consent Motion for Extension of Time to Respond to Respondents' Motion to Dismiss Habeas Petition or, Alternatively, to Hold Petition in Abeyance Pending Completion of Military Commission Proceedings* to be served electronically via the Court's Electronic Case Filing System, which will send notification of such filing to all counsel of record.

/s/ Sarah A. Altschuller
Sarah A. Altschuller

Dated: January 27, 2009