

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUHAIL ABDU ANAM, et al.,

Petitioners,

- v -

GEORGE W. BUSH, et al.,

Respondents.

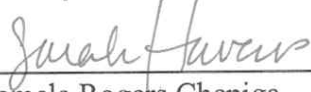
04-CV-1194 (HHK)

PETITIONERS' MOTION TO
SCHEDULE A
STATUS CONFERENCE

PLEASE TAKE NOTICE that, upon their memorandum dated December 19, 2008, Petitioners, by and through their undersigned counsel, will move this Court to schedule a status conference at the Court's earliest convenience, consistent with the Supreme Court's ruling in *Boumediene v. Bush*, 128 S.Ct. 2229 (2008), that Petitioners are entitled to prompt habeas corpus hearings before this Court.

Dated: December 19, 2008

Respectfully submitted,

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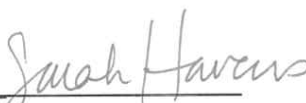
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CERTIFICATE OF SERVICE

I hereby certify that I filed and served the foregoing Motion to Schedule a Status Conference, memorandum in support thereof, and proposed order upon the following counsel of record by the CM/ECF system on the 19th day of December, 2008:

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[PROPOSED] ORDER

Upon consideration of Petitioners' Motion to Schedule a Status Conference, it is hereby

ORDERED that Petitioners' Motion is granted. A Status Conference will be held on _____.

SO ORDERED

Henry H. Kennedy
United States District Judge

Date: _____

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04-CV-1194 (HHK)

MEMORANDUM IN SUPPORT OF
PETITIONERS' MOTION TO SCHEDULE A STATUS CONFERENCE

Petitioners respectfully submit this memorandum in support of their Motion to Schedule a Status Conference.

Following the Supreme Court's June 12, 2008 ruling in *Boumediene v. Bush*, 128 S.Ct. 2229 (2008), Petitioners' habeas cases were remanded to this Court for consideration of the merits. On July 1, 2008, an Executive Session of the United States District Court for the District of Columbia resolved to designate Senior Judge Thomas F. Hogan to coordinate and manage proceedings in all Guantanamo Bay cases. The Executive Session further resolved that the judges to whom the cases were initially assigned would retain the cases for all other purposes.

Pursuant to orders issued by Judge Hogan, the Petitioners and the Government submitted briefings on several substantive and procedural issues. On November 6, 2008, Judge Hogan issued a Case Management Order deciding the issues briefed by the parties. The Government moved for reconsideration of the Case Management Order which was granted in part and denied in part on December 16, 2008. Judge Hogan's December 16, 2008 Order further

ordered the parties to direct any future motion to amend the Case Management Order to the merits judge assigned to the individual case.

On November 13, 2008, counsel for Petitioners Khaled Ahmed Qassim (ISN 242), Abdulkhaliq Ahmed al Baidhani (ISN 553), Bisheer Nasser al Marwalah (ISN 837), Ali Ahmed al Rezehi (ISN 045) and Ali Yahya Mahdi (ISN 167) and counsel for the Government entered into a stipulation to stay the petitions of these five Petitioners, which was so ordered by the Court on December 12, 2008. The remaining eight Petitioners intend to proceed expeditiously with their habeas petitions.

The December 16, 2008 Order directs the Government to evaluate the “information reviewed by attorneys preparing factual returns for all detainees” and to produce any evidence located in that review that “tends materially to undermine the information presented to support the government’s justification for detaining the petitioner.” The Government’s disclosures under this provision are currently due on December 30, 2008. Assuming Respondents meaningfully comply with their obligation to produce exculpatory evidence, the December 16, 2008 Order provides that the traverses for Petitioners whose cases are not stayed will be due fourteen days later, on January 13, 2009.

The Anam Petitioners intend to seek additional time to file their traverses in order for counsel to have an opportunity to meet with Petitioners to discuss the unclassified Amended Returns and any unclassified exculpatory evidence disclosed by the Government. For example, counsel for ten of the thirteen Petitioners had previously scheduled a trip to Guantanamo from January 12, 2009 to January 19, 2009, in order to discuss these matters with their clients. Trips to Guantanamo are logistically difficult, require months of advance planning, and are nearly impossible to reschedule on short notice. These Petitioners’ counsel will require additional time

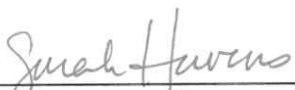
upon their return from Guantanamo in order to finalize the traverses. Therefore, even assuming the Government meaningfully complies with the December 30 production deadline, these Petitioners will not be in a position to file traverses until mid-February, 2009. Counsel for the remaining three Petitioners have a trip to Guantanamo scheduled between January 26 and January 30, 2009, and will similarly require additional time to prepare traverses.

Petitioners have attempted to confer with Respondents' attorneys assigned to Petitioners' individual cases concerning the need for a status conference. Respondents' counsel assigned to Petitioner al Swidi's (ISN 578) indicated that he did not oppose a motion seeking a status conference. Respondents' counsel handling the remaining Petitioners' cases have not yet responded to the requests to confer.

For all the forgoing reasons, Petitioners respectfully request that this Court schedule a status conference, as soon as practicable, in order to set a schedule for the filing of traverses, discovery motions, dispositive motions, and merits hearings.

Dated: December 19, 2008

Respectfully submitted,

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