

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FALEN GHEREBI,)
)
)
 Petitioner,)
)
 v.) Civil Action No. 04-CV-1164 (RBW)
)
)
 BARACK OBAMA,)
 President of the United States, *et al.*,)
)
 Respondents.)

TAJ MOHAMMAD,)
)
)
 Petitioner,)
)
 v.) Civil Action No. 05-CV-879 (RBW)
)
)
 BARACK OBAMA,)
 President of the United States, *et al.*,)
)
 Respondents.)

KARIM BOSTAN,)
)
)
 Petitioner,)
)
 v.) Civil Action No. 05-CV-883 (RBW)
)
)
 BARACK OBAMA,)
 President of the United States, *et al.*,)
)
 Respondents.)

NASRULLAH,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-CV-891 (RBW)
)
BARACK OBAMA,)
)
President of the United States, *et al.*,)
)
)
Respondents.)

ASIM BEN THABIT AL-KHALAQI,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-CV-999 (RBW)
)
BARACK OBAMA,)
)
President of the United States, *et al.*,)
)
)
Respondents.)

MOHAMMED AMON,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-CV-1493 (RBW)
)
BARACK OBAMA,)
)
President of the United States, *et al.*,)
)
)
Respondents.)

ABDULLAH M. AL-SOPAI EX REL.
ABDALAHADI M. AL-SOPAI
Petitioner,
v.
BARACK OBAMA,
President of the United States, *et al.*,
Respondents.

Civil Action No. 05-CV-1667 (RBW)

KADEER KHANDAN,
Petitioner,
v.
BARACK OBAMA,
President of the United States, *et al.*,
Respondents.

Civil Action No. 05-CV-1697 (RBW)

ISSAM HAMID ALI BIN ALI AL JAYFI,
ET AL.,
Petitioners,
v.
BARACK OBAMA,
President of the United States, *et al.*,
Respondents.

Civil Action No. 05-CV-2104 (RBW)

SHARAF AL SANANI, ET AL.,)
)
)
 Petitioners,)
)
 v.) Civil Action No. 05-CV-2386 (RBW)
)
 BARACK OBAMA,)
)
 President of the United States, *et al.*,)
)
 Respondents.)

WASIM and QAYED,)
)
)
 Petitioners,)
)
 v.) Civil Action No. 06-CV-1675 (RBW)
)
 BARACK OBAMA,)
)
 President of the United States, *et al.*,)
)
 Respondents.)

RABIA KHAN EX REL. MAJID KHAN,)
)
)
 Petitioner,)
)
 v.) Civil Action No. 06-CV-1690 (RBW)
)
 BARACK OBAMA,)
)
 President of the United States, *et al.*,)
)
 Respondents.)

MUHAMMED MUHAMMAD SALEH)
 NASSER EX REL. ABDULRAHMAN)
 MUHAMMAD SALEH NASSER,)
)
 Petitioner,)
)
 v.)
)
 BARACK OBAMA,)
 President of the United States, *et al.*,)
)
 Respondents.)

Civil Action No. 07-CV-1710 (RBW)

ABDUL RAHMAN UMIR AL QYATI and)
 SAAD MASIR MUKBL AL AZANI,)
)
 Petitioner,)
)
 v.)
)
 BARACK OBAMA,)
 President of the United States, *et al.*,)
)
 Respondents.)

Civil Action No. 08-CV-2019 (RBW)

JOINT NOTICE OF PROPOSED AGENDA FOR STATUS HEARING

Petitioners and Respondents respectfully submit this Joint Notice of Proposed Agenda for the status hearing scheduled in the above-captioned cases for March 16, 2009, pursuant to this Court’s Order of February 19, 2009. Petitioners and Respondents state as follows:

MOTIONS RIPE FOR ARGUMENT AT THE STATUS HEARING

1. On March 9, 2009, Respondents filed a memorandum in Case Nos. 05-2386 (Dkt. No. 1058) and 08-2019 (Dkt. No. 56) addressing the justiciability of cases involving petitioners previously cleared for transfer by the Department of Defense. Respondents stated that such

cases remain justiciable but should be stayed. The Court directed Petitioners to file an opposition brief by 9:00 a.m. on March 13, 2009.

2. Four discovery motions have been briefed by Respondents and Petitioners and have not been argued. The motions have been filed by petitioners cleared for release by the Department of Defense. On March 3, 2009, the Court indicated that it would hear argument on these motions on March 13, 2009, provided the Court does not decide that cases involving such petitioners should be stayed. The motions were filed by petitioners Maher el-Falesteny (ISN 519) and Umar Hamzayevich Abdulayev (ISN 257) in Civil Action No. 05-2386. Petitioner Falesteny filed his motions with the Court Security Officer on February 9, 11 and 16, 2009 (filings noticed at Dkt. Nos. 976, 983 and 1001). Petitioner Abdulayev filed his motions with the Court Security Officer on February 17, 2009 (filing noticed at Dkt. No. 1003). Respondents have filed oppositions to those motions, and petitioner Abdulayev filed a reply with the Court Security Officer on March 10, 2009 (filing noticed at Dkt. No. 1061). Each of the above-referenced motions involve classified information and must be argued in closed session. Respondents anticipate that each of the arguments in the two cases should take no longer than one hour. Petitioner Falesteny anticipates that the argument relating to Falesteny's motion should take no longer than one hour. Petitioner Abdulayev anticipates that argument relating to his motion will take over an hour.

3. On March 10, 2009, Petitioner Umar Hamzayevich Abdulayev (ISN 257) filed with the Court Security Office an unopposed motion for leave to supplement his traverse in Civil Action No. 05-2386 (filing noticed at Dkt. No. 1060). The motion is classified. Respondents have not opposed that motion.

4. On March 6, 2009, petitioners filed a motion for leave to attend closed hearings involving other petitioners. The Government's opposition is due on March 11, 2009. Petitioners and Respondents anticipate that any oral argument necessary on that issue could be conducted within 30 minutes combined

5. On March 6, 2009, petitioner Majid Khan filed a motion to present separate argument regarding the Executive's detention authority, in Case No. 06-1690 (Dkt. No. 155). The Government filed an opposition to that motion on March 10, 2009 (Dkt. No. 157). On March 10, 2009, Petitioner filed a reply with the Court Security Officer. Petitioner and Respondents anticipate that any oral argument necessary on that issue could be conducted within 20 minutes combined.

OTHER PENDING NON-DISPOSITIVE MOTIONS

6. Unopposed discovery motions relating to declassification of parts of the Factual Return for petitioner Karim Bostan (ISN 975) have been filed and were argued on February 17, 2009, in closed session. Respondents provided additional declassified documents to petitioner Bostan's counsel and will be prepared to report to the Court about the status of such efforts at the March 16, 2009, status hearing.

7. Two discovery motions have been filed – by petitioner Sanad Ali Yislam al-Kazim (ISN 1453) and Abu Rawda (ISN 326) – that the Government is not prepared to argue at the March 16, 2009, status hearing. Petitioner al-Kazimi filed a motion to compel with the Court Security Officer on February 26, 2009 (filing noticed at Dkt. No. 1025) in Case No. 05-2386, which the Government received on February 27, 2009. The Government's opposition is due March 12, 2009, but the Government filed a motion for an extension of time to respond to the

motion to compel on March 10, 2009. Petitioner al-Kazimi opposes the motion for extension of time and will file a response on or before March 12, 2009, including a request that any reply be filed by March 13, 2009. Petitioner Rawda filed a motion for additional discovery under Section I.E.2 of the Case Management Order with the Court Security Officer on February 27, 2009 in Case No. 05-2386, which counsel for the Government received on March 2, 2009. The Government's opposition is due on March 16, 2009.

Dated: March 11, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

TERRY M. HENRY
Assistant Branch Director

/s/ Christopher Hardee
PAUL AHERN
CHRISTOPHER HARDEE (D.C. Bar. No. 458168)
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Washington, DC 20530
Tel: (202) 305-8356
Fax: (202) 305-2685
email: Christopher.Hardee2@usdoj.gov

Attorneys for Respondents

MICHAEL CARUSO
ACTING FEDERAL PUBLIC DEFENDER

/s/ Paul Rashkind
Paul M. Rashkind
Chief of Appeals
Supervisory Assistant Federal Public Defender
150 W. Flagler St. Suite 1500
Miami, Florida 33130-1555

Tel. (305) 536-6900 x 205
fax. (305) 530-7120
email: Paul_Rashkind@fd.org

*Counsel for Petitioner Karim Bostan and
Representative for Petitioners*