

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

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FALEN GHEREBI,	)	
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	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04-1164 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States,	)	
and ROBERT M. GATES,	)	
Secretary of Defense,	)	
	)	
Respondents.	)	

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TAJ MOHAMMAD,	)	
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	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-879 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States, <u>et al.</u> ,	)	
	)	
Respondents.	)	

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KARIN BOSTAN,	)	
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	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-883 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States, <u>et al.</u> ,	)	
	)	
Respondents.	)	

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

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

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

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ABDULLAH M. AL-SOPAI )  
ex rel. ABDALHADI M. AL-SOPAI, )  
Petitioner, )  
v. ) Civil Action No. 05-1667 (RBW)

BARACK H. OBAMA, )  
President of the United States, et al., )  
Respondents. )

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KADEER KHANDAN, )  
Petitioner, )  
v. ) Civil Action No. 05-1697 (RBW)

BARACK H. OBAMA, )  
President of the United States, et al., )  
Respondents. )

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ISSAM HAMID ALI BIN ALI AL JAYFI, )  
et al., )  
Petitioners, )  
v. ) Civil Action No. 05-2104 (RBW)

BARACK H. OBAMA, )  
President of the United States, et al., )  
Respondents. )

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

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

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RABIA KHAN ex rel. MAJID KHAN, )  
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 )  
 Petitioner, )  
 )  
 v. ) Civil Action No. 06-1690 (RBW)  
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 BARACK H. OBAMA, )  
 President of the United States, et al., )  
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 )  
 Respondents. )  

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MUHAMMAD MUHAMMAD SALEH	)	
NASSER <u>ex rel.</u> ABDULRAHMAN	)	
MUHAMMAD SALEH NASSER,	)	
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Petitioner,	)	
	)	
v.	)	Civil Action No. 07-1710 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States, <u>et al.</u> ,	)	
	)	
Respondents.	)	
	)	
ABDUL RAHMAN UMIR AL QYATI	)	
and SAAD MASIR MUKBL AL AZANI,	)	
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Petitioner,	)	
	)	
v.	)	Civil Action No. 08-2019 (RBW)
	)	
BARACK H. OBAMA,	)	
President of the United States, <u>et al.</u> ,	)	
	)	
Respondents.	)	
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**ORDER**

On January 20, 2009, the respondents filed an emergency motion to continue the hearing on the motions for expedited judgment on the record filed by Karin Bostan (ISN 975), Abu Rawda (ISN 326), and Abdul Aziz Naji (ISN 744), which the Court granted later that same date. The Court entered a separate order the very next day (the “January 21 Order”) canceling all of the status hearings scheduled in cases before this member of the Court involving petitions for the writ of habeas corpus filed by detainees at the Guantanamo Bay Naval Base in Guantánamo Bay, Cuba. January 21 Order at 2. The Court took these actions based upon the respondents’ assertion that they needed at least two weeks to assess how they should proceed in these cases

given the change in the administration of the executive branch with the inauguration of President Obama. Accordingly, the Court ordered the respondents to file a status report on or before February 4, 2009, indicating how they intend to proceed in these cases. Id. at 3.

In response to the Court's order, the respondents filed a status report in which they requested an additional two weeks to arrive at a position vis á vis the petitioners in these cases. While recognizing the reasonableness of this request, the Court nevertheless refused to grant it, holding instead that the petitioners should have the option of deciding whether to delay the Court's consideration of the merits of their petitions any longer. The Court therefore held that it would deny the respondents' request with respect to any petitioner who opposed it, and directed the petitioners to file such oppositions by February 9, 2009, at 5:00 p.m.

That deadline has now passed. Only three petitioners with habeas corpus petitions before this Court—Karin Bostan (ISN 975), Abdul Aziz Naji (ISN 744), and Majid Khan (ISN 10020)—oppose the respondents' request.<sup>1</sup> However, Khan has not yet received a factual return from the respondents;<sup>2</sup> therefore, the Court cannot take any action with respect to the merits of his habeas corpus petition at this time. Bostan and Naji have received both a classified and an unclassified factual return and, as mentioned above, have filed motions for expedited judgment on the record. The Court will address those motions in a separate order.

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<sup>1</sup> Several petitioners have responded to the Court's order by stipulating that they do not oppose a delay in the Court's consideration of the merits of their habeas corpus petitions provided that discovery is not stayed during the respondents' proposed interregnum. These concerns are understandable but unwarranted. It was never this Court's intention to stay the respondents' discovery obligations or delay its adjudication of discovery-related disputes while the respondents sorted out their position on the larger questions raised by the motions for expedited judgment on the record filed by various petitioners and by the petitioners' habeas corpus petitions themselves. Indeed, the Court has scheduled two hearings to resolve discovery-related disputes on February 17, 2009. In short, the respondents' discovery obligations are not stayed, and the Court will consider discovery-related disputes whenever they arise.

<sup>2</sup> Questions pertaining to the timing of the respondents' filing of a factual return for Khan are properly directed to (and will be considered by) the Honorable Thomas F. Hogan of this Court, who is responsible for coordinating the orderly processing of the habeas corpus petitions filed by detainees at the Guantanamo Bay Naval Base pending before all but two members of this Court.

As for the remainder of the petitioners, the Court deems their silence to constitute consent to the relief requested by the respondents in their February 4 status report. However, the Court remains cognizant of the Supreme Court's observation in Boumediene v. Bush, \_\_\_ U.S. \_\_\_, 128 S. Ct. 2229 (2008), that the hearing owed to the petitioners should be a "prompt" one, id. at \_\_\_, 128 S. Ct. at 2275, and will therefore schedule a global status hearing for all of the cases captioned above on February 18, 2009, at 3:00 p.m. The Court expects that the respondents will be prepared to give some indication as to how they wish to proceed in these cases by that time.<sup>3</sup> Further, because of the large number of petitioners with habeas corpus petitions pending in the cases assigned to this member of the Court, the petitioners shall designate one petitioner's counsel to serve as lead counsel solely for the purpose of making representations at this global status hearing. Counsel for the other petitioners may appear in person or listen by telephone to the proceedings, but may make representations only if they have significant opposition to the representations made by lead counsel.

Accordingly, it is

**ORDERED** that the respondents' request for a two-week extension of time to determine how they wish to proceed in the cases captioned above is **DENIED** with respect to Karin Bostan (ISN 975) and Abdul Aziz Naji (ISN 744) and **GRANTED** with respect to all other petitioners in the cases captioned above. It is further

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<sup>3</sup> Among other things, the Court expects that it will address the following issues at the global status hearing: (1) whether the respondents still seek to detain the petitioners as "enemy combatants," and, if so, (a) how they define that term and (b) the most efficient method for adjudicating any legal disputes regarding that definition, (2) the most efficient method for deciding the merits of the many habeas corpus petitions pending before this member of the Court, including the sequencing of adjudications and possibilities for consolidation of individual petitions, and (3) the projected time line for resolving all of the habeas corpus petitions pending before this member of the Court. Counsel for the respondents and the designated lead counsel for the petitioners should be prepared to address all of these issues at the global status hearing.

**ORDERED** that on or before February 13, 2009, the petitioners in the cases captioned above shall file a notice with the Court designating lead counsel for purposes of the global status hearing described below. It is further

**ORDERED** that counsel for the respondents and the designated lead counsel for the petitioners shall appear before this Court on February 18, 2009, at 3:00 p.m. for a global status hearing regarding the cases captioned above.

**SO ORDERED** this 10th day of February, 2009.

REGGIE B. WALTON  
United States District Judge