

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SAIFULLAH PARACHA,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-2022 (PLF)
)	
GEORGE W. BUSH, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	

ORDER

This matter is before the Court on petitioner’s motion to suppress the classified factual return from his Combatant Status Review Tribunal, petitioner’s motion to allow discovery, and petitioner’s motion for an order to show cause why the motions currently pending in this case should not be promptly resolved. Upon careful review of the arguments of the parties and the entire record in this case, the Court denies all three motions.

Petitioner’s first motion, filed on February 14, 2005, seeks to suppress the classified portions of the factual return from his Combatant Status Review Tribunal “until such time as it is released to petitioner himself and he is given a meaningful opportunity to rebut the allegations therein.” Respondents notified the Court on August 2, 2005, that the factual return had been made available to petitioner, and on November 22, 2005, petitioner filed a “traverse” in response to the factual return. Petitioner’s motion therefore is moot, and will be denied.

Petitioner’s Motion to Allow and Accelerate Discovery, filed on October 6, 2005, asks the Court to allow discovery under Rule 6(a) of the Rules Governing Section 2254 Cases in

the United States District Courts, under which the court may authorize discovery in a habeas case “for good cause.” Petitioner, however, fails even to acknowledge the fact that on March 23, 2005, the Court stayed all proceedings in this case, with the exception “of any motion for emergency relief,” pending resolution of all appeals in In re Guantanamo Detainee Cases, 355 F. Supp. 2d 443 (D.D.C. 2005), and Khalid et al. v. Bush, 355 F. Supp. 2d 311 (D.D.C. 2005). The discovery sought by petitioner clearly is not “emergency relief,” and petitioner offers no other reason why the stay should not, for the time being, act to bar his request.¹ Accordingly, the Court denies petitioner’s motion for discovery.

Petitioner also has submitted a filing styled “Petitioner’s Motion for Order to Show Cause Why Pending Motions Should Not Be Promptly Resolved,” which seeks to compel the government to state its views as to which of the motions currently pending in this case “should be promptly decided by the Magistrate Judge [Alan Kay].” On November 2, 2005, the Calendar Committee of this court entered an Order in all Guantánamo Bay-related *habeas* actions, referring to Magistrate Judge Alan Kay “all Motions pertaining to interpretation or construction of any protective order” as well as “all disputes pertaining to logistical issues, such as communications with or visits to clients and counsel.” It is not, of course, up to the parties to decide which matters fall within the scope of the November 2 Order, but in any event it is clear to the Court that *none* of the currently pending motions fall within it. Petitioner’s motion is denied.

Accordingly, it is hereby

¹ Petitioner has appealed the Court’s entry of the stay to the D.C. Circuit. See Paracha v. Bush, Docket No. 05-5194 (D.C. Cir.).

ORDERED that [32] Petitioner's Motion to Suppress Classified Return is DENIED as moot; it is

FURTHER ORDERED that [68] Petitioner's Motion to Allow and Accelerate Discovery is DENIED; and it is

FURTHER ORDERED that [75] Petitioner's Motion for Order to Show Cause Why Pending Motions Should Not Be Promptly Resolved is DENIED.

SO ORDERED.

/s/ _____
PAUL L. FRIEDMAN
United States District Judge

DATE: December 7, 2005