

ORAL ARGUMENT HAS BEEN SET FOR MAY 8, 2006

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

ABU BAKKER QASSIM, *et al.*,

Petitioners-Appellants,

v.

Case No. 05-5477

GEORGE W. BUSH, *et al.*,

Respondents-Appellees.

**ASSENTED-TO MOTION TO CONTINUE HEARING AND RESPONSE
TO EMERGENCY MOTION TO DISMISS AS MOOT**

In response to the Emergency Motion to Dismiss (the "Emergency Motion") filed by Respondents-Appellants ("Respondents"), Petitioners-Appellants ("Petitioners") hereby move, pursuant to Federal Rule of Appellate Procedure 27(a)(3)(B) and Local Rule 27(f), to continue the oral argument in this appeal presently scheduled for May 8, 2006, as well as the time to submit a substantive response to the Emergency Motion pending a status report to be made to the Court by the Petitioners within ten (10) days. Respondents have assented to so much of this motion as seeks a continuance of the hearing. As grounds for, and in support of the instant Motion and Response, Petitioners state as follows:

1. This appeal is scheduled for hearing on May 8, 2006, at 9:30 a.m. At 4:39 p.m. on May 5, 2006, Respondents served the Emergency Motion. As grounds for the Emergency Motion, Respondents report that the Petitioners have been released to a “facility” in Albania.

2. Counsel for Petitioners had no prior knowledge of the reported transfer of Petitioners.

3. This afternoon we attempted, without success, to reach Petitioners, or someone in Albania who could confirm the facts. We are unable to confirm any of the circumstances reported in the Emergency Motion. We have not been able to conduct an investigation of the transferee country, the conditions into which Petitioners have been transferred, or the reported assurances that Petitioners will be treated humanely and will not be returned to China. Indeed, it is of considerable concern that the Albanian government web site, in a news release announcing the arrival of Petitioners, refers to them as “Chinese citizens.” *See* <http://www.mfa.gov.al/english/lajm.asp?id=4143>.

4. Petitioners’ counsel is arranging travel to Albania tomorrow to attempt to meet Petitioners and investigate the details of the circumstances reported in the Emergency Motion.

5. Additionally, to the best of our knowledge, there are still four non-combatant prisoners, including one client of this firm, held at Camp Iguana in

circumstances identical to those of the Petitioners prior to today. We have not yet had an opportunity to explore whether, in light of this situation and other factors, the Emergency Motion has merit.

6. In short, in light of the late hour of these development, and our present inability to confirm the details reported in the Emergency Motion, we are not now in a position to respond intelligently to the substance of the Emergency Motion. Petitioners thus respectfully request that the Court continue the oral argument currently set for May 8, 2006. Counsel for Respondents, Robert M. Loeb, Esq., has assented to this request on behalf of the Respondents.

7. Petitioners propose to provide the Court a status report within ten days. Petitioners request that the time to respond to the substance of the Emergency Motion be determined at the time of the Petitioners' status report, so as to permit counsel an adequate opportunity to investigate the circumstances of Petitioners' reported transfer, their legal position concerning this appeal, and the merits of the Emergency Motion. In the meantime, Petitioners reserve their rights to seek emergency relief as necessary.

WHEREFORE, Petitioners respectfully request that the Court

(1) continue the oral argument and motion hearings currently set for May 8, 2006;

(2) grant Petitioners ten days leave to provide a status report to the Court at which time a date to respond to the substance of the Emergency Motion would be set by the Court; and

(3) grant such further relief as the Court deems just and proper.

Dated: May 5, 2006

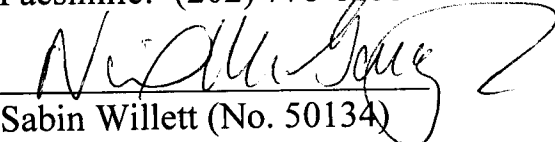
ABU BAKKER QASSIM and ADEL
ABDU AL-HAKIM

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CERTIFICATE OF SERVICE

I, Neil McGaraghan, have this 5th day of May, 2006, served copies of the foregoing Assented-To Motion to Continue Hearing and Response to Emergency Motion to Dismiss as Moot by email on counsel for the Respondents:

Robert Mark Loeb, Esq.
U.S. Department of Justice
Civil Division
950 Pennsylvania Avenue, NW
Room 7268
Washington, DC 20530-0001

A handwritten signature in black ink, appearing to read "Neil McGaraghan", is written over a horizontal line.