



U.S. Department of Justice

Civil Division

---

Washington, D.C. 20530

September 20, 2004

By Hand-Delivery

The Honorable Joyce Hens Green  
Senior United States District Judge  
c/o Sheldon Snook, Administrative Assistant to the Chief Judge  
United States Courthouse  
333 Constitution Ave., N.W. Room 4106  
Washington, D.C. 20001

Re: Guantanamo Bay Detainee Cases: *Hamdan v. Rumsfeld*, 04-CV-1519 (JR)

Dear Judge Green:

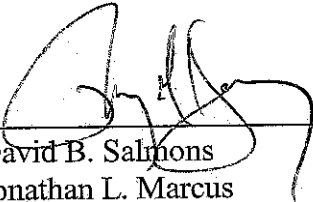
We are writing regarding the scheduling of briefing and argument in the above-named case, which was recently transferred to this Court from the Western District of Washington. A status conference was held in the case on September 14, 2004, before Judge Robertson. At that conference, Judge Robertson explained that the case would be transferred to Your Honor for the scheduling of further proceedings. As explained below, the parties have reached an agreement regarding scheduling in the case and seek the Court's guidance regarding formalizing that schedule and proceeding in the case.

This case is brought by a Guantanamo Bay detainee who is primarily challenging the legality of his trial by a military commission, which is currently scheduled for early December 2004. The case was originally filed in the Western District of Washington on April 6, 2004, and assigned to Judge Robert Lasnik. Pursuant to a schedule ordered by Judge Lasnik, respondents filed a return and cross-motion to dismiss on August 6, 2004. Briefing on that motion to dismiss had not been completed when Judge Lasnik transferred the case to this Court.

In order to complete the briefing in the case, the parties have agreed that petitioner shall file his Reply to Respondents' Return and Opposition to the Cross-Motion to Dismiss by September 30, 2004, and respondents shall file their Reply in Support of the Cross-Motion to Dismiss by October 14, 2004.

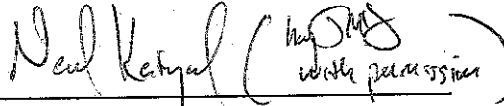
The parties request a conference with the Court on this matter to formalize this schedule and to ascertain how the case should proceed, with respect to oral argument and otherwise, once this briefing is complete. It should be noted that counsel for petitioner seeks oral argument on the case before Judge Robertson at the earliest available time following the submission of the briefs.

Respectfully submitted,

  
\_\_\_\_\_  
David B. Salmons  
Jonathan L. Marcus  
Terry M. Henry  
United States Department of Justice  
20 Massachusetts Ave., N.W. Room 7144  
Washington, DC 20530  
Tel.: (202) 514-4107  
Fax: (202) 616-8470

Attorneys for Respondents

cc: Judge Robertson

  
\_\_\_\_\_  
Neal Katyal  
600 New Jersey Ave., NW  
Washington, DC 20001  
Tel.: (202)662-9000  
  
Attorney for Petitioner