

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| MUHAMMED RAHIM, |) | |
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| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 09-1385 (PLF) |
| |) | |
| JOSEPH R. BIDEN, |) | |
| President of the United States, <u>et al.</u> , |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

MEMORANDUM OPINION AND ORDER

The Court has before it Respondents’ Motion for Extension of Time and Status Report Regarding Automatic Discovery [Dkt. No. 189]. It has carefully considered the Motion, the documents filed on the public docket and ex parte [Dkt. Nos. 190, 191, and 192], and the parties’ representations and arguments made in the classified hearing held on March 26, 2024.

The Court granted a stay of Petitioner’s habeas petition on May 5, 2016. See Order of May 5, 2016 [Dkt. No. 142]. The Court subsequently lifted the stay on May 7, 2021. See Order of May 7, 2021 [Dkt. No. 164]. The Court then approved the January 31, 2022 automatic discovery deadline proposed by the parties. See Joint Status Report [Dkt. No. 168]; Order of August 4, 2021 [Dkt. No. 169]. Since that initial deadline was set, Respondents have asked this Court for several extensions of time in which to complete automatic discovery. The Court extended the deadline from an initial date of January 31, 2022, to the most recent extension of April 1, 2024. See Order of January 25, 2022 [Dkt. No. 175] (granting an extension until April 29, 2022); Respondents’ Status Report Regarding Automatic Discovery

[Dkt. No. 181] (indicating automatic discovery would be completed in “late 2023”); and Order of December 22, 2022 [Dkt. No. 183] (extending the deadline to April 1, 2024, and setting status conferences every ninety days until discovery is complete). In the most recent Order granting an extension, the Court set the April 1, 2024 deadline and noted that it “expects no further delays.” Order of December 22, 2022 [Dkt. No. 183] at 1.

The Respondents’ pending Motion for Extension of Time and Status Report Regarding Automatic Discovery fails to request any firm deadline. Instead, the Respondents ask “that the current deadline of April 1, 2024 for automatic discovery be extended and that Respondents be ordered to file periodic status reports at an appropriate interval set by the Court along with having periodic status hearings as appropriate.” Motion [Dkt. No. 189] at 10.

Although the Respondents have explained in detail – in writing and at the most recent status conference – the significant challenges and competing priorities in clearing documents for discovery, Petitioners argue, and the Court agrees, that discovery in the above-captioned case must proceed much more expeditiously and with a firm completion date for discovery.

As represented by the Respondents, the Court understands that there are only three habeas corpus petitions filed by Guantanamo detainees implicating document clearance resources currently pending in this Court. See Abu Zubaydah v. Austin, Civil Action No. 08-1360; Guleed Duran v. Biden, Civil Action No. 16-2358; and Zakaria Al-Baidany v. Biden, Civil Action No. 05-2380. The Court further understands that discovery in Civil Action No. 08-1360 will be completed with respect to the few remaining classified documents by May 31, 2024, and there will be no extensions. It therefore appears that there are only two habeas petitions with discovery deadlines after May 31, 2024.

In view of the foregoing, it is hereby

ORDERED that the Respondents shall give priority to the above-captioned case over the other habeas corpus petitions pending in this Court except for Civil Action No. 08-1360; it is

FURTHER ORDERED that Respondents shall inform all relevant stakeholder agencies of this Court's Order and convey to those agencies the Court's direction that production of discovery in this case shall take priority over the other cases for which they are producing documents for discovery, disclosure, and declassification review, except for Civil Action No. 08-1360; and it is

FURTHER ORDERED that the parties shall appear via Zoom videoconference for a status conference on May 1, 2024 at 11:15 a.m. to update the Court regarding the status of this case. The status conference will not be classified. Respondents shall be prepared to set firm dates for producing the remaining documents for discovery and for filing their Amended Factual Return. Details regarding the videoconference will be sent the day of or in advance of the hearing. The Respondents' Motion for Extension of Time [Dkt. No. 189] is hereby held in abeyance until the next status conference on May 1, 2024.

SO ORDERED.



PAUL L. FRIEDMAN
United States District Judge

DATE: 4/8/24