

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

MEMORANDUM OPINION AND ORDER

The parties appeared before the Court for a status conference and motions hearing on August 26, 2009. Currently pending before the Court are several motions by petitioner: a motion for discovery [299]; a motion for a more definite statement, to provide a proper return and/or to strike the factual return [314/315]; a motion to unseal respondents’ *ex parte* submission of July 10, 2009 [306]; and a motion for release on bail [319]. The status conference resolved certain areas of disagreement or confusion between counsel and resulted in a plan for this *habeas* petition to proceed. After careful consideration of the parties’ papers and oral statements before the Court as well as the procedural framework of the Guantanamo *habeas* cases, it is hereby

ORDERED that petitioner’s motion for a more definite statement [314/315] is DENIED. The Court finds that the “narrative” included in respondents’ amended factual return is adequate to put the petitioner on notice of the respondents’ factual basis for detaining petitioner. In addition, counsel for respondents represented that at the point that this case reaches briefing and/or a hearing on the merits, they will rely only on the amended factual return —

including both the narrative section and all accompanying documents — or will move to supplement the amended factual return; they will not rely on any prior factual returns as the basis for detaining petitioner. While petitioner requests that he be permitted to share additional material in the classified factual return with investigators overseas, to permit him to do so would violate the terms of the Protective Order entered after careful consideration by Judge Hogan in the miscellaneous case. It is

FURTHER ORDERED that petitioner’s motion for discovery [299] is DENIED without prejudice. Petitioner’s motion was filed before this Court issued its Case Management Order on July 16, 2009, which amended certain discovery procedures set forth in Judge Hogan’s Case Management Order and made some of petitioner’s requests moot. In addition, petitioner’s motion does not comply with the procedural framework for discovery in these habeas cases, either under Judge Hogan’s CMO or this Court’s amendments to it, because it does not identify specific discovery due under the CMO. Instead petitioner makes broad requests for discovery akin to requests one would make in normal civil litigation, rather than following the dictates of Sections I.D and I.E. of the CMO. As Judge Collyer recently stated, “[a] discovery request that starts with ‘any and all’ is almost certainly in trouble under the CMO. . . .” See Sadkhan v. Obama, 608 F. Supp. 2d 33, 39 (D.D.C. 2009). Petitioner’s motion is no exception.

Petitioner will, however, receive additional discovery from respondents. As represented by counsel for respondents, they will produce medical records to petitioner’s counsel within approximately two weeks. Moreover, respondents are engaged in ongoing Task Force discovery related to petitioner, and respondents’ counsel has represented to the Court that respondents will work diligently to complete this review and will produce the documents to

petitioner's counsel within sixty to ninety days. Accordingly, it is

FURTHER ORDERED that the parties appear at a status conference to discuss the status of discovery and document production on October 30, 2009 at 10:00 a.m. It is

FURTHER ORDERED that petitioner's motion to unseal respondents' *ex parte* submission of July 10, 2009 [306] is denied. See Obaydullah v. Obama, Civil Action No. 08-1173, Minute Order (July 13, 2009). And it is

FURTHER ORDERED that the government file a response to petitioner's motion for release on bail on or before October 20, 2009; petitioner may reply on or before October 27, 2009. The Court will hear oral argument on this motion at the status conference scheduled on October 30, 2009 at 10:00 a.m.

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: August 28, 2009