

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ABU BAKKER QASSIM and A'DEL ABDU  
AL-HAKIM,

Detainees,  
Guantánamo Bay Naval Station,  
Guantánamo Bay, Cuba;

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

Case No. 05-0497 (JR)

**PETITIONERS' MOTION FOR  
LEAVE TO FILE SURREPLY TO  
RESPONDENTS' MOTION TO  
STAY PROCEEDINGS PENDING  
RELATED APPEALS AND FOR  
CONTINUED COORDINATION**

The Respondents' March 22, 2005, Reply to Motion to Stay Proceedings raises arguments the Respondents did not assert in their opening memorandum, arguments that misconstrue the law and mislead about the proper resolution of their motion. To allow them to fairly address the Respondents' new arguments, Petitioners respectfully move for leave to file the five-page surreply submitted concurrently herewith.

Briefly, the Court should reject Respondents' argument that the Rules Governing § 2254 Cases (the "2254 Rules") allow Respondents to evade indefinitely the merits of this § 2241 case. The 2254 Rules do not trump the plain language of the habeas statute, nor do they contemplate the indefinite delay Respondents seek. Moreover, Respondents' purported concern for judicial resources is hard to reconcile with their litigation strategy in this and other cases. Finally, there is an additional consideration that may be unique to these Petitioners. There is recent and substantial suggestion that these Petitioners may be part of a group of detainees *that the United States has itself concluded pose no threat*. The Government must, at a minimum, be required to

state in plain terms whether it still contends that the detainees are “enemy combatants” who pose a threat to the security of the United States.

WHEREFORE, Petitioners respectfully seek leave to file a brief sur-reply to Respondents’ Motion to Stay Proceedings.

Dated: March 29, 2005

/s/

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