

RECEIVED
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA
SEP 29 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GHULAM MOHAMMED)
(a/k/a Ghulam Mohammed s/o Abdul Mahdi))
Detainee)
Bagram Air Base)
Afghanistan)

RAZ MOHAMMAD)
(a/k/a Raz Mohammad s/o Abdul Mahdi))
as Next Friend of Ghulam Mohammed)

HASAN BALGAID)
Detainee)
Bagram Air Base)
Afghanistan)

OMAR DEGHAYES)
as Next Friend of Hasan Balgaid)

SALIH)
Detainee)
Bagram Air Base)
Afghanistan)

OMAR DEGHAYES)
as Next Friend of Salih)

MUHAMMED DAWOOD)
Detainee)
Bagram Air Base)
Afghanistan)

OMAR DEGHAYES)
as Next Friend of Muhammed Dawood)

AMINULLAH)
(a/k/a Aminullah s/o Habib Ullah))
Detainee)
Bagram Air Base)
Afghanistan)

**PETITION FOR A WRIT
OF HABEAS CORPUS**

No. _____ ()

MOHAMMED et al v. RUMSFELD

Doc. 1

HAMID ULLAH)
as Next Friend of Aminullah)

AMINULLAH)
(a/k/a Aminullah s/o Mohammed Shah))
Detainee)
Bagram Air Base)
Afghanistan)

HAJI NAQIBULLAH)
as Next Friend of Aminullah)

ZAFIR KHAN)
(a/k/a Zafir Khan s/o Farioz))
Detainee)
Bagram Air Base)
Afghanistan)

ABDUL SALAAM, GHANUM GUL)
as Next Friends of Zafir Khan)

RAHEEM ULLAH)
(a/k/a Raheem Ullah s/o Kareem Khan))
Detainee)
Bagram Air Base)
Afghanistan)

ABDUL SALAAM, GHANUM GUL)
as Next Friends of Raheem Ullah)

GUL REHMAN)
Detainee)
Bagram Air Base)
Afghanistan)

FAZAL AHMAD)
as Next Friend of Gul Rehman)

GHANAM GUL)
(a/k/a Ghanum Gul s/o Warakzai))
 Detainee)
 Bagram Air Base)
 Afghanistan)
))
AZEEM GUL)
 as Next Friend of Ghanam Gul)
))
NAZAR MOHAMMED)
(a/k/a Nazar Mohammed s/o)
Pir Mohammed Pahlawan))
 Detainee)
 Bagram Air Base)
 Afghanistan)
))
PIR MOHAMMED PAHLAWAN)
 as Next Friend of Nazar Mohammed)
))
MOHIBULLAH)
(a/k/a Mohibullah s/o Kareem Khan))
 Detainee)
 Bagram Air Base)
 Afghanistan)
))
ABDUL SALAM ZALMAY)
(a/k/a Abdul Salaam))
 as Next Friend of Mohibullah)
))
SARDAR KHAN)
 Detainee)
 Bagram Air Base)
 Afghanistan)
))
ZAHIR SHAH)
 as Next Friend of Sardar Khan)
))
SARDAR MOHAMMAD)
 Detainee)
 Bagram Air Base)
 Afghanistan)
))

BAZ MOHAMMAD)
as Next Friend of Sardar Mohammad)
)
)
MAULVIHAMEEDULLAH)
(a/k/a Maulvihameedullah)
s/o Mohammad Umar))
Detainee)
Bagram Air Base)
Afghanistan)
)
HAJI NAQIBULLAH)
as Next Friend of Maulvihameedullah)
)
)
MALIK ABDUAL RAHIM)
(a/k/a Malik Abdul Rahim))
Detainee)
Bagram Air Base)
Afghanistan)
)
HAJI NAQIBULLAH)
as Next Friend of Malik Abdual Rahim)
)
)
MAULVI NAEEM)
(a/k/a Maulvi Naeem s/o Mullah Khairullah))
Detainee)
Bagram Air Base)
Afghanistan)
)
HAJI NAQIBULLAH)
as Next Friend of Maulvi Naeem)
)
)
HAJI MULLAH ABDUL RAZAQ)
(a/k/a Haji Mullah Abdul Razaq)
s/o Mohammed Yaqoob))
Detainee)
Bagram Air Base)
Afghanistan)
)
HAJI NAQIBULLAH)
as Next Friend of Haji Mullah)
Abdul Razaq)

GUL MOHAMMED
(a/k/a Gul Mohammed s/o Zahir Lala)
Detainee
Bagram Air Base
Afghanistan

HAJI NAQIBULLAH
as Next Friend of Gul Mohammed

HAJI SARDAR MOHAMMED
(a/k/a Haji Sardar Mohammed s/o Moladad
s/o Mohammed Ayub Khan)
Detainee
Bagram Air Base
Afghanistan

HAJI NAQIBULLAH
as Next Friend of Haji Sardar
Mohammed

MOHAMMAD YAQOUB AKHOUNZADA
(a/k/a Mohammad Yaqoob Akhwanzada
s/o Mohammad Usman)
Detainee
Bagram Air Base
Afghanistan

ABDUL SALAM ZALMAY
as Next Friend of Mohammed Yaqoub
Akhounzada

MOHABUD DIN
(a/k/a Mohabid Din)
Detainee
Bagram Air Base
Afghanistan

BURHANUD DIN
as Next Friend of Mohabud Din

MOHAMMED AYUB)
(a/k/a Mohammed Ayub s/o Kareem Khan))
Detainee)
Bagram Air Base)
Afghanistan)

ABDUL SALAAM, GHANUM GUL)
as Next Friends of Mohammed Ayub)

RAHMATTULLAH)
(a/k/a Rahmattullah s/o Shujauddin))
Detainee)
Bagram Air Base)
Afghanistan)

ATTA ULLAH)
as Next Friend of Rahmattullah)

MOHAMMAD AYUB)
(a/k/a Mohammad Ayub)
s/o Mohammad Usman))
Detainee)
Bagram Air Base)
Afghanistan)

ABDUL SALAM ZALMAY)
as Next Friend of Mohammad Ayub)

Petitioners,)

v.)

DONALD RUMSFELD,)
Secretary, United States)
Department of Defense)
1000 Defense Pentagon)
Washington, D.C. 20301-1000)

Respondent.)

Respondent sued in his official)
capacity.)

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioners in the custody of the United States seek the Great Writ. They act on their own behalf and through their Next Friends. Though they have committed no wrong, they are being held unlawfully and virtually *incommunicado* by Respondent.

**I.
JURISDICTION**

2. Petitioners bring this action under 28 U.S.C. §§2241 and 2242, and invoke this Court's jurisdiction under 28 U.S.C. §§1331, as well as the Fifth and Eighth Amendments to the United States Constitution.
3. This Court is empowered under 28 U.S.C. §2241 to grant the Writ of Habeas Corpus, and to entertain the Petition filed by Petitioners under 28 U.S.C. §2242. This Court is further empowered to declare the rights and other legal relations of the parties herein by 28 U.S.C. §2201, and to effectuate and enforce declaratory relief by all necessary and proper means by 28 U.S.C. §2202, as this case involves an actual controversy within the Court's jurisdiction, and to issue such ancillary orders as may be appropriate under the circumstances, pursuant to 28 U.S.C. §1651.

**II.
VENUE**

4. Venue is proper in the United States District Court for the District of Columbia, since Respondent resides in the district, a substantial part of the events or omissions giving rise to the claim occurred in the district, and/or Respondent is an officer or employee of the United States or any agency thereof acting in his official capacity. 28 U.S.C. §§1391(b);

1391(e).

III. PARTIES

5. Petitioner Ghulam Mohammed (a/k/a Ghulam Mohammed s/o Abdul Mahdi) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
6. Petitioner Raz Mohammad (a/k/a Raz Mohammad s/o Abdul Mahdi), also an Afghan citizen, is Ghulam Mohammed's brother. Because his brother cannot secure access either to legal counsel or the courts of the United States, Raz Mohammad acts as Next Friend.
7. Petitioner Hasan Balgaid is a citizen of Libya who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
8. Petitioner Omar Deghayes, a British resident, is Hasan Balgaid's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Omar Deghayes acts as Next Friend.
9. Petitioner Salih is a citizen of Libya who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
10. Petitioner Omar Deghayes, a British resident, is Salih's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Omar Deghayes acts as Next Friend.
11. Petitioner Muhammed Dawood is a citizen of Libya who is presently incarcerated and

held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

12. Petitioner Omar Deghayes, a British resident, is Muhammed Dawood's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Omar Deghayes acts as Next Friend.

13. Petitioner Aminullah (a/k/a Aminullah s/o Habib Ullah) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

14. Petitioner Hamid Ullah, also an Afghan citizen, is Aminullah's brother. Because his brother cannot secure access either to legal counsel or the courts of the United States, Hamid Ullah acts as Next Friend.

15. Petitioner Aminullah (a/k/a Aminullah s/o Mohammed Shah) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

16. Petitioner Haji Naqibullah is Aminullah's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.

17. Petitioner Zafir Khan (a/k/a Zafir Khan s/o Farioz) is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

18. Petitioners Abdul Salaam and/or Ghanam Gul, also Afghan citizens, are Zafir Khan's friend(s). Because their friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salaam and/or Ghanam Gul act(s) as Next Friend.

19. Petitioner Raheem Ullah (a/k/a Raheem Ullah s/o Kareem Khan) is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
20. Petitioners Abdul Salaam and/or Ghanam Gul, Afghan citizens, are Zafir Khan's friend(s). Because their friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salaam and/or Ghanam Gul act(s) as Next Friend.
21. Petitioner Gul Rehman is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
22. Petitioner Fazal Ahmad, also a citizen of Afghanistan, is Gul Rehman's cousin. Because his cousin cannot secure access either to legal counsel or the courts of the United States, Fazal Ahmad acts as Next Friend.
23. Petitioner Ghanam Gul is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
24. Petitioner Azeem Gul, also a citizen of Afghanistan, is Ghanam Gul's brother. Because his brother cannot secure access either to legal counsel or the courts of the United States, Azeem Gul acts as Next Friend.
25. Petitioner Nazar Mohammed (a/k/a Nazar Mohammed s/o Pir Mohammed Pahlawan) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
26. Petitioner Pir Mohammed Pahlawan, also a citizen of Afghanistan, is Nazar

Mohammed's father. Because his son cannot secure access either to legal counsel or the courts of the United States, Pir Mohammed Pahlawan acts as Next Friend.

27. Petitioner Mohibullah (a/k/a Mohibullah s/o Kareem Khan) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
28. Petitioner Abdul Salam Zalmay (a/k/a Abdul Salaam), also an Afghan citizen, is Mohibullah's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salam Zalmay acts as Next Friend.
29. Petitioner Sardar Khan is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
30. Petitioner Zahir Shah is Sardar Khan's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Zahir Shah acts as Next Friend.
31. Petitioner Sardar Mohammad is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
32. Petitioner Baz Mohammad is Sardar Mohammad's father. Because his son cannot secure access either to legal counsel or the courts of the United States, Baz Mohammad acts as Next Friend.
33. Petitioner Maulvihameedullah (a/k/a Maulvihameedullah s/o Mohammad Umar) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

34. Petitioner Haji Naqibullah, also an Afghan citizen, is Maulvihameedullah's friend.

Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.

35. Petitioner Malik Abdual Rahim (a/k/a Malik Abdul Rahim) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

36. Petitioner Haji Naqibullah, also an Afghan citizen, is Malik Abdual Rahim's friend.

Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.

37. Petitioner Maulvi Naeem (a/k/a Maulvi Naeem s/o Mullah Khairullah) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

38. Petitioner Haji Naqibullah, also an Afghan citizen, is Maulvi Naeem's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.

39. Petitioner Haji Mullah Abdul Razaq (a/k/a Haji Mullah Abdul Razaq s/o Mohammed Yaqoob) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

40. Petitioner Haji Naqibullah, also an Afghan citizen, is Haji Mullah Abdul Razaq's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.

41. Petitioner Gul Mohammed (a/k/a Gul Mohammed s/o Zahir Lala) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
42. Petitioner Haji Naqibullah, also an Afghan citizen, is Gul Mohammed's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.
43. Petitioner Haji Sardar Mohammed (a/k/a Haji Sardar Mohammed s/o Moladad s/o Mohammed Ayub Khan) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
44. Petitioner Haji Naqibullah, also an Afghan citizen, is Haji Sardar Mohammed's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Haji Naqibullah acts as Next Friend.
45. Petitioner Mohammed Yaqoub Akhounzada (a/k/a Mohammed Yaqoob Akhwanzada s/o Mohammed Usman) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.
46. Petitioner Abdul Salam Zalmay, also an Afghan citizen, is Mohammed Yaqoub Akhounzada's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salam Zalmay acts as Next Friend.
47. Petitioner Mohabud Din (a/k/a Mohabid Din) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base,

Afghanistan. He acts on his own behalf and through his Next Friend.

48. Petitioner Burhanud Din, also an Afghan citizen, is Mohabud Din's brother. Because his brother cannot secure access either to legal counsel or the courts of the United States, Burhanud Din acts as Next Friend.

49. Petitioner Mohammed Ayub (a/k/a Mohammed Ayub s/o Kareem Khan) is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

50. Petitioners Abdul Salaam and/or Ghanum Gul, also Afghan citizens, is/are Mohammed Ayub's friend(s). Because their friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salaam and/or Ghanum Gul act(s) as Next Friend.

51. Petitioner Rahmattullah (a/k/a Rahmattullah s/o Shujahuddin) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

52. Petitioner Atta Ullah is Rahmattullah's brother. Because his brother cannot secure access either to legal counsel or the courts of the United States, Atta Ullah acts as Next Friend.

53. Petitioner Mohammad Ayub (a/k/a Mohammad Ayub s/o Mohammad Usman) is a citizen of Afghanistan who is presently incarcerated and held in Respondent's unlawful custody and control at Bagram Air Base, Afghanistan. He acts on his own behalf and through his Next Friend.

54. Petitioner Abdul Salam Zalmay is Mohammad Ayub's friend. Because his friend cannot secure access either to legal counsel or the courts of the United States, Abdul Salam Zalmay acts as Next Friend.

55. Respondent Rumsfeld is the Secretary of the United States Department of Defense. He

has been charged with maintaining the custody and control of the detained Petitioners, and is therefore the detained Petitioners' ultimate custodian. Respondent Rumsfeld is sued in his official capacity.

IV. STATEMENT OF FACTS

56. The detained Petitioners are innocent men. They are not now, nor have they ever been, enemy aliens or combatants of any kind, including enemy combatants, unlawful combatants, or unprivileged combatants. On information and belief, they are not now, nor have they ever been, members of or associated with the Taliban government, the Al Qaeda terrorist network, or any group or organization whose interests or aims are adverse to those of the United States.
57. On information and belief, prior to their detention, Petitioners did not commit any violent act against any American person, nor did they espouse any violent act against any American person or property, nor were they involved in the armed conflict undertaken in the wake of the attacks on the United States on September 11, 2001. On information and belief, they had no involvement, direct or indirect, in either the terrorist attacks on the United States September 11 2001, or any act of international terrorism attributed by the United States to Al Qaida or any terrorist group. They are not properly subject to the detention Order issued by President Bush described below. As they did not participate in the armed conflict at any point in time, nor are they properly subject to the President's authority as Commander in Chief and under the laws and usages of war.
58. On information and belief, the detained Petitioners had no military or terrorist training.
59. On information and belief, they at no time voluntarily joined any terrorist force.
60. On information and belief, certain of the detained Petitioners were not initially taken into

custody by American forces. They were taken into custody against their will by other forces, and handed over to the Americans.

61. On information and belief, certain of the detained Petitioners promptly identified themselves by correct name and nationality to the United States. They requested that the United States provide them with access to family and to legal counsel.
62. On November 13, 2001, President Bush issued a Military Order authorizing indefinite detention without due process of law. The Order authorizes Respondent Rumsfeld to detain anyone President Bush has "reason to believe":
 - i. is or was a member of the organization known as al Qaida;
 - ii. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
 - iii. has knowingly harbored one or more individuals described in subparagraphs (i) and (ii).

President Bush must make this determination in writing. The Order was neither authorized nor directed by Congress, and is beyond the scope of the Joint Resolution authorizing the use of military force passed by Congress September 14, 2001.

63. The Military Order vests the President with complete discretion to identify the individuals that fall within its scope. It establishes no standards governing the use of his discretion. Once a person has been detained, the Order contains no provision for him to be notified of the charges he may face. On the contrary, the Order authorizes detainees to

be held without charges. It contains no provision for detainees to be notified of their rights under domestic and international law, and provides neither the right to counsel, nor the right to consular access. It provides no right to appear before a neutral tribunal to review the legality of a detainee's continued detention and no provision for appeal to an Article III court. In fact, the Order expressly bars review by any court. For those detainees who will not be tried before a tribunal, the Order authorizes indefinite and unreviewable detention, based on nothing more than the President's written determination that an individual is subject to its terms.

64. On information and belief, President Bush has never certified or determined in any manner, in writing or otherwise, that the detained Petitioners are subject to this detention order.
65. On information and belief, the detained Petitioners are not properly subject to this detention order.
66. On information and belief, since gaining control of the detained Petitioners, the United States military has held them virtually *incommunicado* and without legal process. They have been or will be interrogated repeatedly by agents of the United States Departments of Defense and Justice, though they have not been charged with an offense, nor have they been notified of any pending or contemplated charges. They have made no appearance before either a military or civilian tribunal of any sort, nor have they been provided counsel or the means to contact counsel. They have not been informed of their rights under the United States Constitution, the regulations of the United States Military, the Geneva Convention, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, or Customary International Law.

Indeed, Respondent has taken the position that they should not be told of these rights. As a result, the detained Petitioners are completely unable either to protect, or to vindicate their rights under domestic and international law.

67. Bagram Air Base, where the detained Petitioners are incarcerated, is subject to the complete jurisdiction and control of the United States military. The detained Petitioners are in the physical and legal custody of the United States, at a U.S. military facility that is subject to U.S. constitutional and statutory law, and answerable to the federal judiciary. *See Rasul v. Bush*, 124 S.Ct. 2686 (2004).

**V.
CAUSES OF ACTION**

FIRST CLAIM FOR RELIEF
(HABEAS STATUTE – COMMON LAW HABEAS)

68. Petitioners incorporate paragraphs 1-67 by reference.
69. By the actions described above, Respondent, acting under color of law, has deprived the detained Petitioners of their rights under 28 U.S.C. §§ 2241 (c)(1) and (c)(3), in that Respondent has incarcerated the detained Petitioners without lawful process, and with no means to test the legal and factual basis for their continued incarceration.

SECOND CLAIM FOR RELIEF
(DUE PROCESS – FIFTH AMENDMENT
TO THE UNITED STATES CONSTITUTION)

70. Petitioners incorporate paragraphs 1-69 by reference.
71. By the actions described above, Respondent, acting under color of law, has violated and continues to violate the Fifth Amendment to the United States Constitution by

incarcerating the detained Petitioners without Due Process of Law.

THIRD CLAIM FOR RELIEF
(DUE PROCESS – FIFTH AMENDMENT
TO THE UNITED STATES CONSTITUTION)

72. Petitioners incorporate paragraphs 1-71 by reference.

73. By the actions described above, Respondent, acting under color of law, has violated and continues to violate the right of the detained Petitioners to be free from arbitrary, prolonged, and indefinite detention, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

FOURTH CLAIM FOR RELIEF
(DUE PROCESS – INTERNATIONAL LAW)

74. Petitioners incorporate paragraphs 1-73 by reference.

75. By the actions described above, Respondent, acting under color of law, has violated and continues to violate Customary International Law, Arts. 9 & 14 of the International Covenant on Civil and Political Rights, and Arts. 18, 25, & 26 of the American Declaration on the Rights and Duties of Man by depriving the detained Petitioners of their right to be free from arbitrary, prolonged, and indefinite detention.

FIFTH CLAIM FOR RELIEF
(DUE PROCESS – FAILURE TO COMPLY
WITH U.S. MILITARY REGULATIONS AND
INTERNATIONAL HUMANITARIAN LAW)

76. Petitioners incorporate paragraphs 1-75 by reference.

77. By the actions described above, Respondent, acting under color of law, have violated and

continue to violate the rights accorded to persons seized by the United States Military in times of armed conflict, as established by, *inter alia*, the regulations of the United States Military, including regulation 190-8, Articles 4 and 5 of Geneva Convention III, Geneva Convention IV, and Customary International Law.

SIXTH CLAIM FOR RELIEF
(SUSPENSION OF THE WRIT)

78. Petitioners incorporate paragraphs 1-77 by reference.
79. To the extent the Respondent maintains the detained Petitioners may not challenge the legality of their detention by way of habeas corpus, Respondent's actions constitute an unlawful Suspension of the Writ of Habeas Corpus, in violation of Article I of the United States Constitution.

VI.
PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

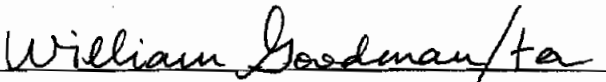
1. Grant Next Friend Petitioners Next Friend status;
2. Order the detained Petitioners released from Respondent's unlawful custody;
3. Order Respondent to allow counsel to meet and confer with the detained Petitioners, in private and unmonitored attorney-client conversations;
4. Order Respondent to make a prompt return to the writ in accordance with 28 U.S.C. § 2243 and to the extent Respondent contests any material factual allegations in this Petition, schedule an evidentiary hearing, at which Petitioners may adduce proof in support of his allegations;

5. Such other relief as the Court may deem necessary and appropriate to protect Petitioners' rights under the United States Constitution, the Habeas Statute, and International Law.

Dated: September 28, 2006

Respectfully submitted,

Counsel for Petitioners:

A handwritten signature in cursive script that reads "William Goodman/ta". The signature is written in black ink and is positioned above a horizontal line.

Michael Ratner (pursuant to L.Cv.R. 83.2(g))
William Goodman (pursuant to L.Cv.R. 83.2(g))
Gitanjali S. Gutierrez (pursuant to L.Cv.R. 83.2(g))
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway
New York, New York 10012
(212) 614-6485
(212) 614-6499

VERIFICATION

Counsel for Petitioners declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge, information, and belief.

Dated: September 28, 2006

William Goodman/ta

Michael Ratner (pursuant to L.Cv.R. 83.2(g))
William Goodman (pursuant to L.Cv.R. 83.2(g))
Gitanjali S. Gutierrez (pursuant to L.Cv.R. 83.2(g))
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway
New York, New York 10012
(212) 614-6485
(212) 614-6499

CERTIFICATION OF REPRESENTATION WITHOUT COMPENSATION

Counsel for Petitioners certify, pursuant to L. Cv. R. 83.2(g), that they are representing
Petitioners without compensation.

Dated: September 28, 2006

William Goodman/ta

Michael Ratner (pursuant to L.Cv.R. 83.2(g))
William Goodman (pursuant to L.Cv.R. 83.2(g))
Gitanjali S. Gutierrez (pursuant to L.Cv.R. 83.2(g))
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway
New York, New York 10012
(212) 614-6485
(212) 614-6499

Authorization

Date: Feb. 4, 2006

My name is Raz Mohammad s/o Abdul Mahdi. I am acting as next friend for my brother, whose name is Ghulam Mohammed s/o Abdul Mahdi, a citizen of Afghanistan, who is being held in Quantánamo Bay an unknown detention center.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Raz Mohammed s/o Abdul Mahdi

Witnessed by: 

Print Name: Rahmatullah s/o Jamadine

FOUORequest For legal
Assistance.

I, Omar Dezhayes (having legal training), am acting as close friend to all mentioned in this list. Requesting that Clive Stafford Smith (Justice in Exile) take any and all legal steps on their behalf, to challenge any and all aspects of their seizure and detention by the United States.

- | | | |
|--|---|--|
| 1. Mohammed HAMID
Qufany / Tchad
Camp V | 7. AHAMED ABDAULAZIZ/
MAURATANIA
Camp V | 14. ABDALRAZAK AII
LIBYA
Camp Delta. |
| 2. Sami ABDAULAZIZ
ALAYTHI / Egypt
Camp V | 8. MOHAMEDO SALAH /
MAURATANIA
Camp Delta | 15. FARIS DARNAWI
LIBYA
Camp Delta. |
| 3. ABDAUL AZIZ
NAJI / ALGERIA
Camp Delta. | 9. MOHAMED ALAMIN/
MAURATANIA
Camp Delta. | 16. SAIB DARNAWI
LIBYA
Camp Delta. |
| 4. Omar KALIFA
MOHAMMED / LIBYA
Camp V | 10. ISMAIL ALKHAMESI/
LIBYA
Camp Delta. | 17. HASAN BALGAID
LIBYA
Baglam Base. |
| 5. ABDULLAH ATAIBI/
Saudi
Camp V | 11. AHAMED
LIBYA
Camp Delta. | 18. SALIH
LIBYA/Baglam |
| 6. ABDUAL LATIF
NASER / Morocco 244
Camp V | 12. ABDALRAUF ZALITINI
LIBYA
Camp Delta | 19. MUHAMMED
DAWOOD - LIBYA
Baglam |
| | 13. ABDALRAUF ASIBI
LIBYA
Camp IV | 20. Abu HADAIFA
JORDAN - Delta |
| | | 21. LAHCEN IKASSRIEN
Morocco V |

FOUO

Authorization

Date: Feb. 7, 2006

My name is Hamid Ullah. I am acting as next friend for my brother, whose name is Aminullah son of Habibullah, a citizen of Afghanistan, who is being held in Guantanamo Bay. US detention

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Hamid Ullah

Witnessed by: Atta Ullah

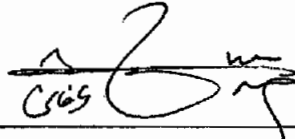
Print Name: 

Authorization


Date: 2 Feb 2006

My name is Haji Naq.ullah. I am acting as next friend for my friend, whose name is Aminullah son of Mchamoud Shah a citizen of Afghanistan, who is being held in Guantanamo Bay by the United States in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Haji Naq.ullah

Witnessed by: 

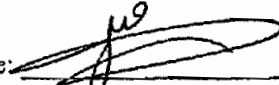
Print Name: Bumma Bul

Authorization

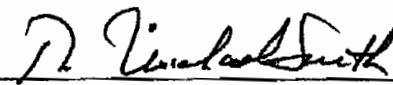
Date: 2/11/06

My name is FAZAL AHMAD. I am acting as next friend for my COUSIN, whose name is GUL REHMAN, a citizen of AFGHANISTAN, who is being held in Quantánamo Bay, BAGRAM

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Fazal Ahmad

Witnessed by: 

Print Name: R. MICHAEL SMITH

Authorization

Date: Feb 4, 2006

My name is Azeem Gul. I am acting as next friend for my Brother, whose name is Ghanum Gul son of Wazir, a citizen of Afghanistan, who is being held in Guantanamo Bay by the United States.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: _____

Print Name: _____

عظیم گل

Witnessed by: _____

Print Name: _____

عاجی عید گل

بندنی گلی شوی ما ز من اینکسی نه به
کی دس ما به ما صورتی نه به پیشو
تر عجم شوی او ز پو شوام
عظیم گل

Authorization

Date: Feb. 7, 2006

My name is Pir Mohammed I am acting as next friend for my son, whose name is Nazar Mohammed, a citizen of Afghanistan, who is being held in ~~Guantanamo Bay~~ US detention

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Pir Mohammed Pahlawan

Witnessed by: 

Print Name: 

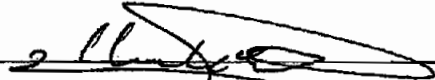
02/07/06

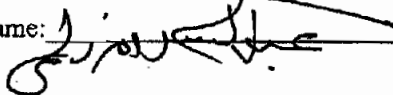
Authorization

Date: 2/7/06

My name is ABDUL SALAM ZALMAY. I am acting as next friend for my FRIEND, whose name is MOHIBULLAH, S/O KAREEM KHAN a citizen of AFGHANISTAN, who is being held in Guantanamo Bay. BAGRAM

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: 

Witnessed by: R. Michael Smith

Print Name: R. MICHAEL

Authorization


Date: 7 Feb 2006

My name is Zahir Shah. I am acting as next friend for my friend and assistant, whose name is Sardar Jaw Khan, a citizen of Afghanistan, who is being held in ~~Guantanamo Bay~~ by the United States in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: Zahir Shah

Print Name: 

Witnessed by: 

Print Name: _____

Authorization

Date: 6 Feb 2006

My name is BAZ Mohammad. I am acting as next friend for my son, whose name is Jardav Mohammad, a citizen of Afghanistan, who is being held in Guantanamo Bay by the United States in Bagram

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: [Handwritten Signature]

Print Name: BAZ Mohammad

Witnessed by: [Handwritten Signature]

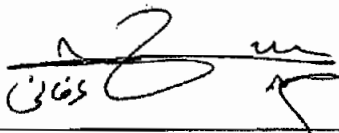
Print Name: [Handwritten Signature]

Authorization

Date: 2 Feb 2006

My name is Haji Naqibullah. I am acting as next friend for my friend from my area, whose name is Mauluhammedullah a citizen of Afghanistan, who is being held in Guantanamo Bay by United States arrest in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Haji Naqibullah

Witnessed by: 

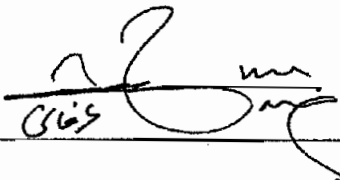
Print Name: Mubalim Naqibullah


Authorization

Date: 5 Feb 2006

My name is Haji NAQIBULLAH. I am acting as next friend for my friend from my village, whose name is Malik Abdual Rahim, a citizen of Afghanistan, who is being held in Guantanamo Bay, U.S. custody in Bagram

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 
Print Name: _____

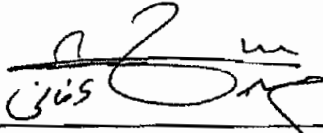
Witnessed by: 
Print Name: Jamma Gul

Authorization

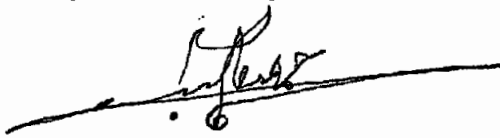
Date: 5 Feb 2006

My name is Haji Naqibullah. I am acting as next friend for my friend, whose name is Maulvi Naseem, a citizen of Afghanistan, who is being held in Guantanamo Bay by the U.S. led forces in Bagram

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: Haji Naqibullah

Witnessed by: 

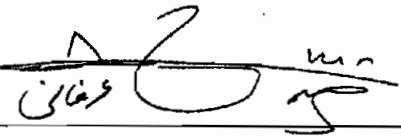
Print Name: Jumma Gul

Authorization


Date: 5 Feb 2006

My name is Haj. Nagibullah. I am acting as next friend for my friend whose name is Haj. Mullah Abdul Razaq a citizen of Afghanistan, who is being held in Guantanamo Bay, by the United States in Bagiam

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: _____

Witnessed by: 

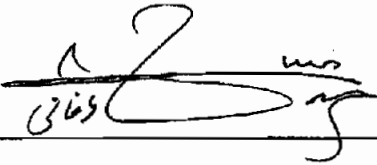
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Authorization

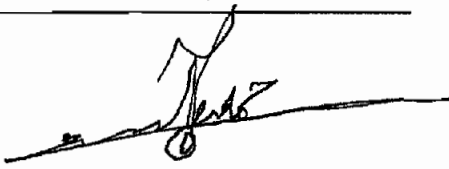
Date: 5 Feb 2006

My name is Haj. Nagibullah. I am acting as next friend for my friend, whose name is Gul Mohammed son of Zahir Lda a citizen of Afghanistan, who is being held in Guantanamo Bay by the United States in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: _____

Witnessed by: 

Print Name: ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ Jumma Gul

Authorization

Date: 5 Feb 2006

My name is Haji Nagibullah I am acting as next friend for my friend whose name is Haji Sardar Mohammed a citizen of Afghanistan, who is being held in Quantanamo Bay by the United States in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: 

Print Name: _____

Witnessed by: 

Print Name: Summa Gul

Authorization

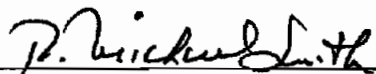
Date: 2/7/06

My name is ABDUL SALAM ZALMAN I am acting as next friend for my FRIEND, whose name is MOHAMMAD YAQOUB AKHOUNZADA, a citizen of AFGHANISTAN, who is being held in ~~Guantanamo Bay~~ BAGRAM ^{SO}

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available. ^{MOHAMMAD USMAN}

Signature: 

Print Name: Abdul Salam Zalman

Witnessed by: 

Print Name: R. MICHAEL SMITH

Authorization

Date: 10 Feb 2006

My name is Burhanud Din. I am acting as next friend for my BROTHER, whose name is Mohabud Din, a citizen of Afghanistan, who is being held in Guantanamo Bay by the United States in Bagram.

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

~~Signature~~

Signature: X (unable to write)

Scott Wilson

Print Name: Burhanud Din

Witnessed by: [Signature]

Print Name: Fazal Rehman

Authorization

Date: 2/7/06

My name is ABOUL SALEM ZALMAY. I am acting as next friend for my FRIEND, whose name is MOHAMMAD AYUB, s/o MOHAMMAD USMAN a citizen of AFGHANISTAN, who is being held in Guantanamo Bay BAGRAM

I know that he would want me to act on his behalf to secure legal representation for him. I hereby authorize Michael Ratner and Barbara Olshansky of the *Center for Constitutional Rights* and any person assigned by these lawyers to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the Courts of the United States and in any other legal forum available.

Signature: [Handwritten Signature]

Print Name: [Handwritten Name]

Witnessed by: [Handwritten Signature]

Print Name: R. MICHAEL SMITH

CIVIL COVER SHEET

JS-44
(Rev. 1/05 DC)

<p>I (a) PLAINTIFFS</p> <p>GHULAM MOHAMMED, RAZ MOHAMMAD, as Next Friend of Ghulam Mohammed, et. al.</p> <hr/> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>99999</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <hr/> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p>William Goodman 666 Broadway New York, NY 10012 Tel: (212) 614-6464 Fax: (212) 614-6499</p>	<p>DEFENDANTS</p> <p>GEORGE W. BUSH, President of the United States, DONALD RUMSFELD, Secretary, United States Department of Defense, REAR ADM. HARRY B. HARRIS, JR., Commander, Joint Task Force-GTMO, ARMY COL. WADE F. DAVIS, Commander, Joint Detention Operations Group-JTF-GTMO</p> <hr/> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p> <hr/> <p>ATTORNEYS (IF KNOWN)</p> <p>Terry Marcus Henry U.S. DEPARTMENT OF JUSTICE, CIVIL DIVISION - Room 7144 20 Massachusetts Avenue, NW Washington, DC 20530 Tel: (202) 514-4107 Fax: (202) 616-8470</p>
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<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security:</u></p> <p><input type="checkbox"/> 861 HIA ((1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g)</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g)</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 RR & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking Rates/etc.</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input checked="" type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/PRIVACY ACT <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
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<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)
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V. ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 28 U.S.C. § 2241: Petition for Writ of Habeas Corpus

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ JURY DEMAND: YES NO

Check YES only if demanded in complaint

VIII. RELATED CASE(S) IF ANY (See instruction) YES NO If yes, please complete related case form.

DATE September 28, 2006 SIGNATURE OF ATTORNEY OF RECORD _____

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.