

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**IN RE:**

**GUANTANAMO BAY  
DETAINEE LITIGATION**

**Misc. No. 08-442 (TFH)**

**Civil Action No. 05-2387 (RMC)**

**PETITIONER JOBTRAN SAAD AL-QUHTANI'S UNOPPOSED MOTION TO  
REQUIRE RESPONDENTS TO SUBMIT FACTUAL RETURN**

Petitioner Jobran Saad Al-Quhtani, hereby respectfully submits his Motion to Require Respondents to Submit Factual Return. As grounds for this Motion, Petitioner states as follows:

1. In its Scheduling Order issued on July 11, 2008 (Document No. 53 in Misc. No. 08-442 (TFH)), this Court ordered that: "At this time pending further order of the Court, the government need not file factual returns or motions to amend factual returns for the approximately 20 detainees charged with war crimes under the Military Commissions Act of 2006." *Id.* at n. 1.

2. Petitioner is one of the approximately 20 detainees who were the subject of the ruling quoted in Paragraph 1.

3. On October 20, 2008, the charges against Petitioner under the Military Commissions Act of 2006 were dismissed without prejudice. *See* Ex. 1 to Declaration of Rachael Clarke In Support of Petitioner Jobran Saad Al-Quhtani's Unopposed Motion to Require Respondents to Submit Factual Return ("Clarke Decl."), November 18, 2008. The Military Commission prosecutors have given no indication if, or when, charges will be re-asserted against Petitioner. As a result, Petitioner, once again, faces indefinite incarceration, with this habeas proceeding as the proper means to test the propriety of that incarceration.

4. Accordingly, it is appropriate to require Respondents to submit a factual return on the schedule established by this Court for other habeas petitioners, so that Petitioner will be included in that schedule in the order in which his Petition was filed.

5. Counsel for Petitioner have conferred with counsel for Respondents, who stated their position in an November 2, 2008 e-mail as follows: "In light of the dismissal of the MCA charges without prejudice, respondents agree that petitioner Al Quhtani is no longer exempted by the provision of Judge Hogan's order governing production of factual returns. Respondents, of course, may move for an exception to sequencing of the filing of factual returns and reserve the right to do so in Mr. Al Quhtani's case. Further, in the event MCA charges are reinstated against petitioner Al Quhtani, production of a factual return would not be required under Judge Hogan's scheduling order." *See* Ex. 2 to Clarke Decl.

6. Thus, Respondents do not oppose the relief requested by Petitioner.

7. A proposed order is attached for the Court's convenience.

Dated: November 18, 2008

Respectfully submitted,

/s/ Rachael Clarke  
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**CERTIFICATE OF SERVICE**

I hereby certify that I today caused a true and accurate copy of Petitioner Jobran Saad Al-Quhtani's Unopposed Motion to Require Respondents to Submit Factual Return to be served electronically via the Court's Electronic Case Filing system, which will send notification of such filing to all counsel of record.

Dated: November 18, 2008

/s/ Theresa Rollins  
Theresa Rollins