

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

IN RE:)	
)	
GUANTANAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	
)	Civil Action No. 05-CV-1983 (RMU)
)	

**UNOPPOSED MOTION TO DISMISS PETITION OF
HASAN BALGAID WITHOUT PREJUDICE**

In response to the Court’s Order to Show Cause dated November 13, 2008, Petitioner Hasan Balgaid, through his undersigned counsel, respectfully requests an order of this Court dismissing his *habeas corpus* petition without prejudice. Mr. Balgaid bases this request for relief on the following:

1. Mr. Balgaid filed his *habeas corpus* action as one of two petitioners in *Ismail Alkhemisi, et al. v. Bush, et. al.*, Case No. 05-CV-1983 (RMU), on October 06, 2005. Prior counsel filed this action on Mr. Balgaid’s behalf based on the authorization of his next friend. See Declaration of Wesley R. Powell in Support of Motion (“Powell Decl.”) at ¶ 3.

2. Counsel for respondents has informed the undersigned counsel that Mr. Balgaid is not detained in Guantánamo. Moreover, the “next friend” authorization document for Mr. Balgaid indicates on its face that Mr. Balgaid is instead detained at the United States detention facility in Bagram, Afghanistan. (Powell Decl. ¶ 4.)

3. Under these circumstances, it would be appropriate for the Court to dismiss Mr. Balgaid’s challenge to his detention, specifically, in Guantánamo Bay. However, we respectfully

request that the Court dismiss Mr. Balgaid's petition without prejudice, so that his ability to challenge his unlawful detention by the United States in Bagram, or any other detention facility, is preserved.

4. Counsel for Respondents, Mr. Andrew Warden, has indicated that Respondents do not oppose this motion.

For these reasons, Mr. Balgaid respectfully requests that the Court enter an order dismissing his *habeas corpus* action without prejudice pursuant to Fed. R. Civ. P. 41.

Dated: November 20, 2008

Respectfully submitted,

/s/
Wesley R. Powell
wpowell@hunton.com
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166
(212) 309-1000
(212) 309-1100 (facsimile)

Karma B. Brown (Bar No. 479744)
kbbrown@hunton.com
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 955-1500
(202) 778-2201 (facsimile)

Attorneys for Petitioner