

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

**IN RE: GUANTANAMO BAY
DETAINEE LITIGATION**

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) **Misc. No. 08-442 (TFH)**
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**TARIQ ALSAWAM,
Petitioner**

v.

) **Civil Action No. 05-1244(CKK)**
)
)

**GEORGE W. BUSH, et al.,
Respondents.**

**OPPOSITION TO GOVERNMENT’S MOTION FOR
CLARIFICATION OR, IN THE ALTERNATIVE, CERTIFICATION FOR APPEAL**

Petitioner Tariq Alsaawam respectfully requests that this Honorable Court put an end to the government’s relentless efforts to delay and thereby deny him any fair opportunity to contest his detention. After years of delays, appeals and stays, on June 12, 2008, the United States Supreme Court held that Petitioners “are entitled to a prompt habeas corpus hearing.” Boumediene v. Bush, 128 S. Ct. 2229, 2275 (2008). In order to provide such prompt hearings, this Court, after reviewing extensive briefs prepared by the parties, issued a Case Management Order (“CMO”). The government now seeks reconsideration of the CMO, rehashing the arguments it previously presented, making categorical statements that do not apply to individual cases, presenting no basis for reconsideration under Federal Rule of Civil Procedure 54(b) and no support for its request for an interlocutory appeal pursuant to 28 U.S.C. § 1292(b). The Court should not entertain this effort to further delay these proceedings and should promptly deny the

motion to reconsider and the request for certification for appeal. In support of this opposition, Mr. Alsawam adopts the arguments and briefs filed by petitioners in these consolidated cases.

Respondents did not to comply with the Local Civil Rule 7(m) prior to filing its motion to reconsider, failing to attempt to discuss the anticipated motion by telephone or in person, as specifically required by this Court in a minute order dated October 28, 2008. Had Respondents done so, they would have learned that with regard to their request for modifications to the schedule set forth in the CMO, Mr. Alsawam does not object to the proposed modification of the time for filing of an unclassified return, the date for filing a traverse, or the time for filing of the merits briefs in this case. Pursuant to a November 14, 2008 Order issued by the Honorable Colleen Kollar-Kotelly, the parties submitted a joint status report on November 26, 2008, in which Petitioner agreed to these modifications. As contemplated by the CMO and Judge Kotelly's November 14, 2008 Order, all further scheduling issues should be determined by Judge Kotelly based on the particular facts and circumstances of this case.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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/s/

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