

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

SALIM SAID, *et al.*,

Petitioners,

v.

Civil Action No. 05-CV-2384 (RWR)

GEORGE W. BUSH, *et al.*,

Respondents.

**UNOPPOSED MOTION TO STAY PETITION FOR WRIT OF HABEAS CORPUS OF
PETITIONER MOHAMMED ZAHRANI**

Pursuant to this Court's Minute Order dated November 28, 2008, Petitioner Mohammed Zahrani, by his undersigned counsel, respectfully moves for a stay of Zahrani's petition for writ of habeas corpus. In support of their Motion, counsel state as follows:

1. On December 13, 2005, Petitioner Zahrani and four other prisoners at Guantánamo Bay Naval Base, through their respective next friends, filed a petition for writ of habeas corpus in this Court.
2. In 2006 and 2007, three of the five petitioners in this cause were released from United States custody and transferred to Saudi Arabia. Petitioner Zahrani and Petitioner Saad Al Qahtani remain imprisoned at Guantánamo.
3. On April 12, 2006, this Court entered a protective order permitting Petitioners' counsel to meet and communicate with Petitioners.

4. Shortly after April 12, 2006, Petitioners' counsel established communications with all petitioners (including Petitioner Al Qahtani) except Petitioner Zahrani. As described in the accompanying Declaration of Patricia A. Bronte (attached as Exhibit A), Petitioner's counsel has been unable to meet or communicate directly with Petitioner Zahrani and is unable to confirm whether Petitioner Zahrani has received or understood the letters that counsel has sent to him.

5. The lack of communication between Petitioner Zahrani and his counsel prevents counsel from proceeding on his petition for writ of habeas corpus. In addition, counsel for the parties agree that the resources of this Court should first be devoted to the habeas petitions of those prisoners (like Petitioner Al Qahtani) who actively participate in the litigation.

6. Petitioners' counsel will continue attempting to establish communications with Petitioner Zahrani, and will notify the Court if those attempts prove successful.

7. Under these circumstances, good cause exists to stay Petitioner Zahrani's petition for writ of habeas corpus. *See Rhines v. Weber*, 544 U.S. 269, 278 (2005) (approving stay of federal habeas corpus proceedings).

8. Petitioner Al Qahtani does not seek a stay of proceedings.

9. Pursuant to Local Rule 7(m), Petitioner's counsel has conferred with Respondents' counsel, who consents to the relief requested herein.

WHEREFORE, counsel for Petitioner Zahrani respectfully requests that the Court enter an Order:

(1) Staying the petition for a writ of habeas corpus of Petitioner Zahrani;

(2) Vacating the December 5, 2008 status hearing as to Petitioner Zahrani only, and ordering the December 5, 2008 status hearing to proceed as to Petitioner Al Qahtani;

(3) Suspending the parties' obligations under this Court's November 6, 2008 Case Management Order with respect to Petitioner Zahrani only, unless and until the Court lifts the stay;

(4) Ordering that either counsel for Petitioner or counsel for Respondents may move to lift the stay on behalf of Petitioner Zahrani upon notice to counsel for the opposing party;

(5) Directing that the terms and effect of this Court's September 11, 2008 Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba (the "Protective Order") shall remain in effect;

(6) Directing that the terms and effect of this Court's July 10, 2008 order regarding notice to Petitioner's counsel and the Court thirty (30) days prior to transporting or removing Petitioner Zahrani from Guantánamo Bay Naval Base shall remain in effect; and

(7) Granting such other and further relief as the Court deems just.

Respectfully submitted,

By: /s/ Patricia A. Bronte
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Attorneys for Petitioners

Dated: December 1, 2008

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2008, I caused a true and correct copy of the foregoing Unopposed Motion to Stay Petition For Writ of Habeas Corpus of Petitioner Mohammed Zahrani to be delivered to the below-listed counsel of record in the above-captioned matters through the CM/ECF system:

Andrew I. Warden
Terry Marcus Henry
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, D.C. 20530

/s/ Patricia A. Bronte