

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

**IN RE GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

This document relates to:

Civil Action No. 06-CV-1766 (HHK)

FADHEL HUSSEIN SALEH HENTIF,

Petitioner/Plaintiff,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

PETITIONER HENTIF'S STATUS REPORT

This status report describes the current position of Petitioner Fadhel Hussein Saleh Hentif's habeas corpus petition, filed on October 16, 2006. Petitioner continues to be detained at the Guantanamo Bay Naval Station.

Clearance. Petitioner Hentif was cleared through the Administrative Review Board process on September 17, 2007, but his transfer from Guantanamo Bay is contingent on the United States reaching an agreement with Yemen to repatriate him. Although his notice of clearance indicates that "[n]egotiating these agreements can in certain circumstances take considerable time," it also represents that "the United States will attempt to transfer you as soon as possible." Notification of the Decision of An

Administrative Review Board ICO ISN 259 To Depart Guantanamo Bay Cuba (Sept. 17, 2007) (unclassified).

Factual Return. Respondent has not produced a factual return in this case.

Protective Order. The following protective orders were entered in this case on November 21, 2006: (1) the Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba, first issued on November 8, 2004, 344 F. Supp. 2d 174 (D.D.C. 2004);, (2) the Order Addressing Designation Procedures for “Protected Information,” first issued on November 10, 2004; and (3) the Order Supplementing and Amending Filing Procedures Contained in November 8, 2004 Amended Protective Order, first issued on December 13, 2004.

Notice of Transfer. On July 28, 2007, the court entered an order requiring the government to provide counsel for Petitioner and the Court with thirty days advance notice of transfer from Guantanamo. The government has appealed this order, and that appeal is currently pending. *See Hentif v. Bush*, No. 07-5324 (D.C. Cir., filed Sept. 26, 2007). Both parties have requested that the appeal be stayed pending resolution of a case involving a similar issue.

Pending Motions. This case has one pending motion. Respondent’s Motion to Dismiss (Dkt. No. 13) argued that this Court lacked jurisdiction to hear this petition. That motion, briefed before the Supreme Court’s decision in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), is now moot in light of the Supreme Court’s ruling.

Status of Stay. On July 28, 2007, the court stayed this case “pending resolution of the Supreme Court’s review of *Boumediene*.” (Dkt. No. 29) The stay should be lifted immediately, allowing Petitioner to pursue his case in an expeditious manner, as the Supreme Court instructed in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008).

Dated: July 18, 2008

Respectfully submitted,

Counsel for Petitioner:

/s/ Brent N. Rushforth

Brent N. Rushforth (DC 331074)
Kit A. Pierson (DC 398123)
Sarah B. Pojanowski (DC 502036)
HELLER EHRMAN LLP
1717 Rhode Island Avenue, NW
Washington, DC 20036
Tel: (202) 912-2000
Fax: (202) 912-2020

Shayana Kadidal (DC 49512)
Pardiss Kebriaei (DC 51395)
**CENTER FOR CONSTITUTIONAL
RIGHTS**
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6439
Fax: (212) 614-6499

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

**IN RE GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

This document relates to:

Civil Action No. 06-CV-1766 (HHK)

FADHEL HUSSEIN SALEH HENTIF,

Petitioner/Plaintiff,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of July, 2008, I caused a true and correct copy of the **PETITIONER HENTIF'S STATUS REPORT** to be served on the ECF system:

TERRY M. HENRY
ANDREW WARDEN
JUDRY SUBAR
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel: (202) 514-4107
Fax: (202) 616-8470
Counsel for Respondents

/s/ Brent N. Rushforth