

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                     |   |                         |
|---------------------|---|-------------------------|
| IN RE:              | ) |                         |
|                     | ) | Misc. No. 08-442 (TFH)  |
|                     | ) |                         |
| GUANTANAMO BAY      | ) | Civil No. 04-2215 (RMC) |
| DETAINEE LITIGATION | ) | Civil No. 05-0748 (RMC) |
|                     | ) | Civil No. 05-1504 (RMC) |
|                     | ) | Civil No. 05-2349 (RMC) |
|                     | ) | Civil No. 05-2386 (RBW) |

**CONSENT MOTION TO STAY PROCEEDINGS**

Respondents, with the consent of counsel for certain Petitioners, hereby move the Court to stay all proceedings for these individual Petitioners in their habeas matters.<sup>1</sup>

1. Respondents previously notified Petitioners' counsel that the Department of Defense has approved Petitioners individually for transfer or release from United States custody at the Naval Base at Guantanamo Bay. Where appropriate, Respondents have been working to make the necessary and appropriate diplomatic arrangements to relinquish custody over these Petitioners. Therefore, at this time, the parties consent to stay all habeas proceedings for these individual Petitioners.

2. The parties also agree that the obligations set forth in the Case Management Order of November 6, 2008, see 08-MC-442 (Hogan, J.) (amended on December 16, 2008), should be suspended until such time as the stay is lifted. The parties further agree that either side may move to lift the stay at any time. The parties agree that the protective order entered on September 11, 2008, the 30-day notice of transfer order, or related orders entered in these

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<sup>1</sup> These Petitioners include Shaker Aamer (ISN 239 - 04cv2215); Mohammed Saeed Bin Salman (ISN 251 - 05cv748); Nabil Hadjarab (ISN 238 - 05cv1504); Ahmed Belbacha (ISN 290 - 05cv2349); Alkhadr Al Yafie (ISN 034 - 05cv2386); Sayf bin Abdullah (ISN 046 - 05cv2386); and Adil Bin Mabrouk (ISN 148 - 05cv2386).

matters remain in effect.

3. The Supreme Court has explicitly approved the stay-and-abey procedure in the context of federal habeas corpus proceedings. See Rhines v. Weber, 544 U.S. 269 (2005).

WHEREFORE, Respondents, with the consent of Petitioners, respectfully request that the Court grant this motion and stay these habeas proceedings.

Dated: December 17, 2008

Respectfully submitted,

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*/s/ Joseph C. Folio III*

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