

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

IN RE: GUANTANAMO BAY DETAINEE LITIGATION))))))	Misc. No. 08-0442 (TFH) Civil Action No. 05-1429 (RMU)
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**PETITIONER’S MOTION TO MODIFY THE AMENDED CASE MANAGEMENT
ORDER**

Petitioner Saeed Mohammed Saleh Hatim (ISN #255), by his undersigned counsel, respectfully moves to modify the Case Management Order, as amended on December 16, 2008, to require petitioner’s traverse to be due on February 16, 2009. Counsel have conferred about this motion with counsel for the government, who have indicated that they do not oppose this request.

On December 16, 2008, Judge Hogan amended the November 6, 2008 Case Management Order. Dkt. #1315 in 08-mc-0442 (“Amended CMO”). The Amended CMO states that the traverse for petitioner is due “within 14 days of the date on which the government files notice relating to exculpatory evidence under Section I.D.1 of this Order or within 14 days of the date on which the government files the unclassified factual return, whichever is later.” Amended CMO at 3. The Amended CMO further orders that “any future motions to amend the Case Management Order should be directed to the Merits Judges.” *Id.* at 4. Petitioner requests that the Amended CMO be modified to provide that his traverse be due on February 16, 2009.¹

¹ The Government filed its unclassified amended return for petitioner on December 12, 2008. Petitioner assumes that the Government will comply with Section I.D.1 of the Amended CMO, relating to notice of disclosure of all reasonably available exculpatory evidence at least 14 days before February 16, 2009. If the Government does not do so, petitioner may find it necessary to (continued...)

The additional time is needed to permit petitioner's counsel to make the necessary travel and other logistical arrangements to meet with petitioner to discuss the government's allegations as set forth in the unclassified amended returns. Travel to Guantánamo Bay must be planned several weeks in advance to guarantee that translators and air travel are available. Petitioner's unclassified amended return was made available on December 12, 2008. The last two weeks of January is the earliest practicable time that counsel for petitioner can visit the base. Counsel are currently in the process of making the necessary travel arrangements to meet with each petitioner during the period from January 18, 2009, to January 31, 2009.

The proposed schedule allows approximately two weeks after counsel return from Guantánamo Bay to prepare his traverse after having discussed with petitioner his response to the unclassified return.

CONCLUSION

For the reasons stated, petitioner respectfully request that his Motion to Modify the Amended Case Management Order be granted.

Respectfully submitted,

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seek additional relief at that time. The proposed schedule also assumes timely completion of discovery.

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