

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action No. 05-00247 (HHK)

**PETITIONER'S RESPONSE TO RESPONDENTS'
MOTION FOR EXTENSION OF TIME TO PROVIDE DISCOVERY
PURSUANT TO AMENDED CASE MANAGEMENT ORDER SECTION I.E.1(3)**

Petitioner, MAHMOOD SALIM AL-MOHAMMED, as noted in footnote 2 to the Government's Motion for Extension of Time to Provide Discovery Pursuant to Amended Case Management Order Section I.E.1(3), filed December 30, 2008, does not oppose such Motion. However, Petitioner believes that it is important briefly to respond to certain representations made in such Motion, with which Petitioner does not agree.

Section I.E.1 of the Amended Case Management Order provides for mandatory disclosure, upon Petitioner's request, of "(1) any documents and objects in the Government's possession that the government relies on to justify detention; (2) all statements in whatever form, made or adopted by the petitioner that the government relies upon to justify detention; and (3) information about the circumstances in which such statements of the petitioner were made or adopted." Petitioner initially requested such disclosure on November 9, 2008, and submitted a revised request for disclosure on December 18, 2008.

In the instant motion, the Government certifies that it "has complied with its obligations under Sections I.E.1(1) and I.E.1(2), and has also provided certain information responsive to Section I.E.1(3)." Motion, p. 1. Petitioner disagrees that the Government has complied with its

obligations under Sections I.E.1(1) and (2). Accordingly, Petitioner intends to confer with the Government regarding this disagreement and specifically where the Government has fallen short.¹ If the parties are unable to resolve these discovery issues informally, Petitioner may move to compel further production following the Government's production deadline of January 30, 2009.

Respectfully submitted,

By /s/ Samuel C. Kauffman
Robert C. Weaver, Jr. OSB#80135
Samuel C. Kauffman, OSB#94352
John C. Rothermich, OSB#07168
GARVEY SCHUBERT BARER
Eleventh Floor
121 SW Morrison Street
Portland, OR 97204
Tel.: (503) 228-3939
Fax: (503) 226-0259

By /s/Eldon V.C. Greenberg
Eldon V.C. Greenberg
D.C. Bar #159558
GARVEY SCHUBERT BARER
Fifth Floor
1000 Potomac Street, N.W.
Washington, DC 20007
Tel.: (202) 965-7880
Fax: (202) 965-1729

Attorneys for Petitioner

Dated: January 5, 2009

¹ Because these discussions will refer to classified information, it is not possible to describe them in detail in this public filing.