

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

<p>ABD AL-RAHIM HUSSAIN MOHAMMED AL-NASHIRI,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>GEORGE W. BUSH, et al., Respondents.</p>	<p style="text-align: center;">CIVIL ACTION (HABEAS CORPUS)</p> <p>Misc. No. 08-mc-442 (TFH)</p> <p>No. 08-CV-1207 (RWR) JUDGE: Richard W. Roberts</p>
<p>MAJID KHAN,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>GEORGE W. BUSH, et al., Respondents.</p>	<p>No. 06-CV-1690 (RBW) JUDGE: Reggie B. Walton</p>
<p>ZAYN AL ABIDIN MUHAMMAD HUSAYN,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ROBERT M. GATES, et al., Respondents.</p>	<p>No. 08-CV-1360 (RWR) JUDGE: Richard W. Roberts</p>

NOTICE OF COMPLIANCE WITH THIS COURT'S 12/17/08 ORDER

PLEASE TAKE NOTICE that, as set forth below, Petitioners, Abd Al-Rahim Hussain Mohammed Al-Nashiri, Majid Khan and Zayn Al Abidin Muhammad Husayn, by and through counsel, have complied with the Court's December 17, 2008, Order (Documents 72, 109 and 63, respectively).

By its Order of December 17, 2008, in these matters and the other Guantanamo habeas cases the Court directed the parties to confer as to the possibility of addressing similar factual issues in

consolidated proceedings. Since these cases involve presumptively TS/SCI information, in order to address consolidation in any meaningful way counsel would need to discuss any areas of similarity with counsel in the other presumptively TS/SCI cases. However, under Section 5(H-J), pages 8-9, of the Khan Protective Order to which counsel are signators “Petitioner’s Counsel may not disclose any classified or protected information to any person including counsel in related cases brought by Guantanamo Bay detainees in this court or any other court.” The Memorandum Of Understanding (MOU) provides an exception to such nondisclosure where you are “specifically authorized in writing to do so by an authorized representative of the United States government. . . .”

Accordingly, responding to the Court’s Order, counsel for Messrs, Al-Nashiri and Khan requested that the government authorize counsel in the presumptively TS/SCI cases to confer and share presumptively TS/SCI information with respect to possible consolidated treatment of any similar issues in their cases.

On December 29, 2008, the government advised that it “cannot authorize the sharing of potential TS//SCI information as requested in your e-mails” Accordingly, counsel are unable to have any meaningful discussion with other TS/SCI counsel as to the possibility of consolidating their cases with respect to any similar factual issues. Absent such discussion counsel are unable to identify with any particularity TS/SCI cases with sufficiently similar factual issues for consolidation. If the government should change its position or the Court adopt a protective order allowing for such discussions, counsel would be pleased to engage in such discussions and respond further to the government and the Court.

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Based on the above circumstances counsel for the petitioners in the above styled TS/SCI cases do not currently seek consolidation.

Date: January 5, 2009

Respectfully Submitted,

/s/ Paul G. Turner

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2009, I served the foregoing **NOTICE OF COMPLIANCE WITH THIS COURT'S 12/17/08 ORDER**, with the United States District Court for the District of Columbia for electronic filing (CM/ECF) with the Court and service on the persons listed on the attached service list:

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