

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE:	)	
	)	
	)	Misc. No. 08-442 (TFH)
GUANTANAMO BAY	)	
DETAINEE LITIGATION	)	Civil Action No. 05-2386 (RBW)
	)	
	)	

**MOTION FOR LEAVE TO FILE OUT OF TIME**

Respondents hereby move the Court for leave to file out of time by one day, under seal, Respondents' reply in support of their motion to stay and Respondents' opposition to Petitioner Abdul Aziz Naji's (ISN 744, "Petitioner") cross-motion for parole. Petitioner opposes this motion.<sup>1</sup>

1. Respondents filed, under seal, a Motion to Stay All Habeas Proceedings on December 17, 2008. Petitioner filed his Opposition and Cross-Motion for Parole on December 22, 2008. Pursuant to the local rules, Respondents' reply and opposition to the cross-motion were due on January 6, 2008.

2. Due to an administrative oversight, Respondents were unable to file, under seal,

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<sup>1</sup> Counsel for Respondents attempted to contact Petitioner's counsel by phone and email on January 6, 2008. Respondents then served Petitioner with their memorandum by email that day, and requested consent for this motion so that the memorandum could be filed appropriately under seal the next day. Counsel for Respondent contacted counsel for Petitioner by phone on January 7, 2008. Counsel for Petitioner acknowledged receiving the email correspondence on January 6, 2008. Petitioner's counsel, however, did not consent to this present motion.

their reply and opposition with the Court before the Clerk's office closed on January 6, 2008.<sup>2</sup> However, Respondents served a copy of their memorandum on counsel for Petitioner, by electronic mail, on January 6, 2008. Having received Respondents' filing on January 6, 2008, Petitioner is not prejudiced by this motion.

For the foregoing reasons, Respondents respectfully request that the Court grant its motion for leave to file, under seal, their reply and opposition out of time.

Dated: January 7, 2008

Respectfully submitted,

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Deputy Assistant Attorney General

*/s/ Joseph C. Folio III*

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<sup>2</sup> Respondents filed a similar motion in several cases on the public docket, including this case, and also under seal in several other cases. The Court denied such a motion for another petitioner in this matter. See Minute Order of January 2, 2009 (05cv2386). As Respondents read the docket, however, their underlying motion for Petitioner is still pending before the Court.