

**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. 05-247 (HHK)

**PETITIONER'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE
TRAVERSE TO RESPONDENTS' AMENDED FACTUAL RETURN**

Petitioner, Mahmoud Salim Al-Mohammed, respectfully moves for a 30-day enlargement of time, to and including March 16, 2009, to file his traverse to Respondents' amended factual return. The grounds for this motion are set out below. Pursuant to Local Civil Rule 7(m), counsel for Petitioner has consulted with counsel for Respondents concerning this motion, and Respondents have no objection to the enlargement of time sought.

Under Section I.G. of the Amended Case Management Order, dated November 6, 2008, as amended, December 16, 2008 (the "CMO"), in effect in this *habeas corpus* proceeding, Petitioner's traverse is due 14 days after Respondents "file[] a 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." Respondents filed the unclassified factual return on December 12, 2008, and they filed the notice pursuant to Section I.D.1 of the CMO on January 30, 2009. Thus, Petitioner's traverse is now due on February 13, 2009.

An enlargement of time is warranted for two reasons. First, counsel have not yet had an opportunity to review the unclassified, amended factual return with their client. Counsel are currently scheduled to meet with their client in Guantanamo on February 25, 2009. They expect

that this visit will substantially assist in formulating the scope and content of Petitioner's traverse. Second, while Respondents have filed their Section I.D.1 notice, and while Respondents have also responded, on January 30, 2009, to Petitioner's request for mandatory discovery under Section I.E.1 of CMO, in Petitioner's view there are still a number of outstanding issues regarding the adequacy of Respondents' disclosure. Until these are resolved, either by mutual agreement or a motion to compel, it would be premature for Petitioner to file his traverse.

Petitioner represents that he will not file a motion pursuant to section I.E.2 of the Case Management Order during the period of the requested extension and given that representation, Respondent does not oppose this motion.

WHEREFORE, Petitioner respectfully submits that his unopposed motion for enlargement of time should be granted.

Respectfully submitted,

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Dated: February 5, 2009

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