

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

<p>AL HAMANDY,</p>)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-CV-2385 (RMU)
)	
BARACK H. OBAMA, et al.,)	
)	
Respondents.)	
)	
<p>HAMOUD ABDULLAH HAMOUD HASSAN AL WADY,</p>)	
)	
Petitioner,)	
)	Civil Action No. 08-CV-1237 (RMC)
v.)	
)	
BARACK H. OBAMA, et al.,)	
)	
Respondents.)	
)	

RESPONSE TO ORDER TO SHOW CAUSE

Petitioner, Hamoud Abdullah Hamoud Hassan Al Wady, hereby responds to the Order to Show Cause issued in Case Number 08-CV-1237 on January 14, 2009.

The Order to Show Cause notes that counsel had scheduled a visit with Mr. Al Wady at Guantánamo Bay, Cuba during the week of January 19, 2009 and that it therefore should be conclusively determined at that time whether Mr. Al Wady is in fact the same individual as Houmad Warzly, who is one of the individuals for whom a petition has been filed in Case Number 05-CV-2385. Unfortunately, counsel were informed when they arrived for their scheduled appointment with Mr. Al Wady that he had chosen not to meet with them, and so counsel could not conclusively determine whether Mr. Al Wady and Houmad Warzly were the

same person.

Counsel presently tentatively plan to travel to Guantánamo Bay again in mid-April, but it is of course impossible to predict whether Mr. Al Wady will meet with them at that time. In light of this uncertainty, and the fact that both the government and the Center for Constitutional Rights believe Mr. Al Wady and Houmad Warzly are the same person, counsel have no objection to dismissal of the Warzly petition without prejudice to it being refiled if it is later determined that Houmad Warzly is a different person than Mr. Al Wady.

Counsel believe it is the Warzly petition which should be dismissed for several reasons. First, it is the Al Wady petition on which counsel were first appointed, and counsel substituted in on the Warzly petition only because of the understanding that Houmad Warzly and Mr. Al Wady were the same person. Second, it is the Al Wady petition in which Mr. Al Wady's true name is used, and so the Al Wady petition in which Mr. Al Wady is definitely the petitioner. Third, the Al Wady petition is a "stand-alone" petition in its own case, whereas the Warzly petition is one of a number of petitions combined in one case. In light of their relatively late

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appointment, counsel believe it better that the case in which they represent Mr. Al Wady be a “stand-alone” case.

Respectfully submitted,

SEAN K. KENNEDY
Federal Public Defender

DATED: February _10_, 2009

By /S/
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