

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

Misc. No. 08-442 (TFH)

GUANTÁNAMO BAY
DETAINEE LITIGATIONAL HALMANDY, *et al.*,

Petitioners,

v.

No. 05-cv-2385 (RMU)

BARACK H. OBAMA, *et al.*,

Respondents.

PETITIONERS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO RESPONDENTS' MOTION TO DISMISS HABEAS PETITIONS WITHOUT PREJUDICE OR, ALTERNATIVELY, TO HOLD PETITION IN ABEYANCE PENDING COMPLETION OF MILITARY COMMISSION PROCEEDINGS

On January 16, 2009, Respondents filed a Motion To Dismiss Habeas Petition Without Prejudice Or, Alternatively, To Hold Petition In Abeyance Pending Completion Of Military Commission Proceedings (Dkt. 160) (the "Motion") against two of the petitioners in the above-captioned case, Mohammed Jawad (a/k/a Saki Bacha) and Mohammed Kameen. The basis for the Motion was that active military commission proceedings were ongoing against Petitioners. Petitioners' opposition to the Motion was originally due on January 30, 2009. Petitioners and Respondents jointly filed for "a two-week continuance of Petitioners' time to oppose the Motion, without prejudice to any further request for scheduling relief," while Respondents considered how they intended to proceed in the wake of President Obama's January 22 Executive Order. That Executive Order directed the Secretary of Defense to take steps to ensure that all military

commissions proceedings were halted during the pendency of the executive review of the detentions at Guantánamo mandated by the Executive Order. *See* Joint Motion for Continuance, Dkt. 169 (filed Jan. 29, 2009); *id.* Ex. A (executive order). This Court granted the request, making Petitioners’ oppositions due on February 13, 2009. *See* Minute Order (Feb. 2, 2009).

Because of unexpected scheduling conflicts with other litigation matters being handled by Petitioners’ counsel, and in light of the fact that the prior continuance was requested “without prejudice to any further request for scheduling relief,” Petitioners Jawad and Kameen request a short extension of time to respond to the Motion, until Wednesday, February 18, 2009, the second business day after the current due date. Petitioners’ counsel have communicated with counsel for the government, Kristina Wolfe, who has informed us that Respondents do not oppose the motion.

Accordingly, Petitioners respectfully request that the Court grant an extension of Petitioners’ time to oppose the Motion in the above-captioned case until February 18, 2009.

Dated: February 12, 2009

Respectfully submitted,

/s/ Hina Shamsi

Hina Shamsi (admitted *pro hac vice*)
Jonathan L. Hafetz (admitted *pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Phone: (212) 519-7886
Fax: (212) 549-2583
hshamsi@aclu.org

Major David J.R. Frakt (admitted *pro hac vice*)
Office of Military Commissions
Office of the Chief Defense Counsel

Franklin Court Building, Suite 2000D
1099 14th Street, N.W., Suite 119
Washington, D.C. 20005
Phone: (202) 761-0133, ext. 106
Fax: (202) 761-0510
fraktd@dodgc.osd.mil

/s/ Arthur B. Spitzer_____

Arthur B. Spitzer (D.C. Bar No. 235960)
American Civil Liberties Union
of the National Capital Area
1400 20th Street, N.W., Suite 119
Washington, D.C. 20036
Phone: (202) 457-0800
Fax: (202) 452-1868
artspitzer@aol.com

Counsel for Petitioner Mohammed Jawad

/s/ Shayana Kadidal_____

Shayana Kadidal (D.C. Bar No. 454248)
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012-2317
Phone: (212) 614-6438
Fax: (212) 614-6499
kadidal@ccrjustice.org

Counsel for Petitioner Mohammed Kameen

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTÁNAMO BAY
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

AL HALMANDY, *et al.*,

Petitioners,

v.

BARACK H. OBAMA, *et al.*,

Respondents.

No. 05-cv-2385 (RMU)

[PROPOSED] ORDER

Upon the motion of Petitioners Mohammed Jawad (a/k/a Saki Bacha) and Mohammed Kameen for an extension of time to respond to Respondents' Motion to Dismiss Habeas Petition Without Prejudice or, Alternatively, to Hold Petition in Abeyance Pending Completion of Military Commission Proceedings of January 16, 2009 (Dkt. 160), it is hereby,

ORDERED that Petitioners' time to oppose Respondents' Motion to Dismiss Habeas Petition Without Prejudice or, Alternatively, to Hold Petition in Abeyance Pending Completion of Military Commission Proceedings is extended until February 18, 2009.

Date: _____

HON. RICARDO M. URBINA
UNITED STATES DISTRICT JUDGE