

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

IN RE:

GUANTANAMO BAY
DETAINEE LITIGATION

Misc. No. 08-0442 (TFH)

AHMAD MOHAMMAD AL DARBI,

Petitioner,

v.

BARACK OBAMA,
President of the United States, *et al.*,

Respondents.

Civil Action No. 05-2371 (RCL)

**PETITIONER’S 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. 108) (the “Motion”) in the above-captioned case. The basis for the Motion was that active military commission proceedings were ongoing against Petitioner. Petitioner’s opposition to the Motion was originally due on January 30, 2009. Petitioner 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, 2009 Executive Order. *See* Joint Motion for Continuance, Dkt. 114 (filed Jan. 29, 2009). That Executive Order

mandated executive review of the detentions at Guantánamo Bay and directed the Secretary of Defense to take steps to ensure that all military commissions proceedings are halted during the pendency of such review. *See id.*, Ex. A (Executive Order).

Because of unexpected scheduling conflicts, and light of Respondents' agreement that the prior request for a continuance was "without prejudice to any further request for scheduling relief," Petitioner requests a short extension of time to respond to the Motion, until Wednesday, February 18, 2009 (the second business day after the current February 13, 2009 due date). Petitioner's counsel has communicated with counsel for the government, Kristina Wolfe, who has indicated that Respondents do not oppose this request.

Accordingly, Petitioner respectfully requests that the Court grant an extension of Petitioner's time to oppose the Motion in the above-captioned case until February 18, 2009.

Dated: February 12, 2009

Respectfully submitted,

SIMPSON THACHER & BARTLETT LLP

/s/ Paul C. Curnin

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I today caused a true and accurate copy of the foregoing to be served electronically via the Court's Electronic Case Filing system.

Dated: February 12, 2009

/s/ Paul C. Curnin
Paul C. Curnin