

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

**In RE:**

**GUANTANAMO BAY LITIGATION**

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**Misc. No. 08-442 (TFH)  
Civil Action No. 05-0877 (JR)**

**STATUS REPORT**

Pursuant to the Court's July 11, 2008 Order, Petitioner Khiali-Gul respectfully submits the following regarding the status of his case.

1. Petitioner was detained by the United States military in December 2002, and continues to be held at the United States Naval Station in Guantanamo Bay, Cuba.

2. On April 5, 2007, the Court *sua sponte* dismissed the petition for lack of subject matter jurisdiction. Petitioner moved to reconsider and reinstate the petition, and on March 6, 2008, the Court denied the motion without prejudice. Petitioner respectfully requests that the Court now reinstate the petition.

3. On May 31, 2005, in response to an order by the Court, the government filed a factual return. Counsel have been provided access to both the unclassified and classified portions of the return.

4. Undersigned counsel has not received notice that Petitioner has been cleared for release or transfer. Petitioner has not been charged before a military commission, and counsel expects that Petitioner will not be so charged.

5. Although the Court previously imposed a requirement that the government provide

advance notice of transfer, Petitioner does not request such notice, provided that he is returned to his home country, Afghanistan.

6. No motions are pending. Counsel does not intend to file any motions. Counsel intends to file a response to the government's factual return or traverse not later than August 29, 2008, the date the Court ordered the government to file any motion to amend the factual return.<sup>1</sup> Counsel expects that no further briefing will be required and requests that the Court schedule a hearing on the petition in early September 2008. Undersigned counsel is available on any date in September.

Respectfully Submitted,

A.J. Kramer  
Federal Public Defender

\_\_\_\_\_/s/\_\_\_\_\_  
Mary Manning Petras  
Assistant Federal Public Defender

\_\_\_\_\_/s/\_\_\_\_\_  
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Assistant Federal Public Defender

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<sup>1</sup>Upon information and belief, of the petitions filed by individuals currently detained at Guantanamo, the petition in this matter was one of the first fifty filed.