

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

IN RE:  
GUANTANOMO BAY DETAINEE  
LITIGATION

Misc. No. 08-442 (TFH)

ALI SHER HAMIDULLAH,  
  
Petitioner,

Civil Action No. 05-CV-2386 (RBW)

v.

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

Respondents.

**JOINT MOTION TO STAY**

Petitioner Ali Sher Hamidullah and Respondents, through undersigned counsel, respectfully submit this joint motion to stay this action. Accordingly, Respondents hereby withdraw their Motion to Stay Proceedings Involving Petitioners Who Were Previously Approved For Transfer, Civil Action No. 05-cv-2386 (RBW) (Docket # 1058), as to Petitioner Hamidullah.

Petitioner Hamidullah and Respondents respectfully request a stay of this action, including the deadlines set forth in the Amended Case Management Order issued by Judge Thomas F. Hogan in *In re Guantanamo Bay Detainee Litigation*, Misc. No. 08-442 (Nov. 6, 2008), as amended December 16, 2008; the Order issued by Judge Reggie B. Walton in *Ali Sher Hamidullah, et al. v. Barack Obama, et al.*, Civil Action File No. 05-CV-2386, on December 19, 2008; and the Scheduling Order and Supplemental Case Management Order also issued by Judge Reggie B. Walton in *Ali Sher Hamidullah, et al. v. Barack Obama, et*

*al.*, Civil Action File No. 05-CV-2386, on February 19, 2009, until **Tuesday, June 9, 2009**.

The Department of Defense has approved Petitioner Hamidullah for release or transfer from the custody of the United States at the Naval Base at Guantanamo Bay, Cuba. In addition, President Barack Obama issued Executive Order 13,492: Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities mandating an immediate review of all individuals currently held at Guantanamo Bay. *See* Exec. Order No. 13,492, 74 Fed. Reg. 4897 (Jan. 22, 2009). Thus, the parties agree that it is currently in their best interest and will conserve judicial resources to allow the review process and diplomatic efforts to progress before proceeding further with Petitioner's *habeas* case.

The parties request that Respondents' obligation to produce additional exculpatory evidence, if discovered, pursuant to section I.D. of the Amended Case Management Order remains in effect during the stay. The parties also request that the Protective Order remain in effect during the stay. Further, both parties reserve the right to move the Court to lift the stay at any time and on any grounds provided the moving party gives the non-moving party written notice ten (10) days prior to the date of filing the motion. The parties waive the right to oppose any motion to lift the stay so long as written notice is given to the non-moving party ten (10) days prior to the date of filing the motion. The parties further propose filing a joint status report on June 9, 2009 to inform the Court of any changes in circumstances and, if no changes have occurred, propose changes to the Amended Case Management Order and request a status conference.

Dated: March 12, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2009, I filed and served the foregoing JOINT MOTION TO STAY via CM/ECF, which will automatically send e-mail notification of such filing to counsel of record in the above-captioned case.

/s/ Daniel G. Schulof  
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*Counsel for Petitioner*