IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

			x	
IN RE:			:	
GUANTÁNAMO B DETAINEE LITIGA			: : : x	Misc. No. 08-442 (TFH)
ZALITA,				
		Petitioner,	:	
	v.		:	Civil Action No. 05-1220 (RMU)
OBAMA, et al.,			•	
		Respondents.	:	
			— x	

MOTION FOR STATUS CONFERENCE, OR, IN THE ALTERNATIVE, FOR EXTENSION OF TIME TO FILE TRAVERSE

Petitioner, a Libyan national, is cleared for transfer, and has been for several years, but fears torture or other abuse should he be repatriated to Libya. Petitioner expects that a positive adjudication of his habeas claims would open up opportunities for resettlement in third countries. Petitioner also suffers from a psychiatric disorder of long standing which limits his ability to work in a focused manner on the factual details of his case.

Petitioner seeks to proceed in this case by filing a combined preliminary traverse and motion for summary judgment, founded on the insufficiency of the government's evidence to meet legal standards for lawful detention. This procedure has been adopted by other judges hearing Guantánamo cases, *see, e.g., Ameziane v. Obama*, 05-CV-392 (ESH); *Taher v. Obama*,

06-CV-1684 (GK), and should allow deferral of (and perhaps vitiate the need for) most potential discovery in this matter.¹ Petitioner therefore seeks a status conference to discuss this manner of proceeding in this case.²

Undersigned counsel will be in Guantánamo from March 19 through March 26, and has scheduled travel for work on March 31 and April 1. Any day after April 2 would be a convenient date for a status conference.

If the Court is not inclined to hold a status conference or to proceed in this manner, Petitioner requests in the alternative that the Court grant an extension of time for the filing of a traverse.³ Petitioners counsel have scheduled three days of visits this month (Mar. 12, Mar. 21, and Mar. 23) to discuss matters relating to the traverse with Petitioner. Accordingly, Respondents' counsel has consented to extending the time for filing of the traverse until April 24. However, we note that Petitioner has had difficulty working through factual issues and has missed one scheduled meeting with counsel already this year as a result of his condition. We therefore anticipate that Petitioner may have further difficulty working with counsel to fully traverse the return. Undersigned counsel will keep the Court apprised of any difficulties as they arise.

Date: New York, New York March 18, 2009

Respectfully submitted,

/s/ Shayana Kadidal (D.C. Bar No. 454248)

¹ Petitioner would anticipate seeking discovery at this stage of, *inter alia*, medical and particularly psychiatric records, discovery relating to certain statements of third parties, and additional records relating to Petitioner's own statements, *cf*. Order, Dkt. 217, *Hidar v. Obama*, 05-CV-1429 (RMU).

² Counsel for Petitioner has conferred with Counsel for Respondents, Mr. Wiltsie, who does not consent to this manner of proceeding.

³ The government filed a certification pertaining to the production of exculpatory evidence pursuant to the Case Management Order on March 5, 2009. *See* Dkt. 185.

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ZALITA,			
	Petitioner, v.	: Civil Action No.	05-1220 (RMU)
OBAMA, et al.,	Respondents.	:	
		: x	

[PROPOSED] ORDER

Having considered Petitioner's Motion for Status Conference, that Motion is GRANTED,

and a Status Conference in this matter shall be held on April ____, 2009.

SO ORDERED, this ____ day of _____ 2009, at Washington, D.C.

HON. RICARDO M. URBINA UNITED STATES DISTRICT JUDGE