

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Ghanim-Abdulrahman al-Harbi, et al.,

Petitioners,

v.

Barack H. Obama, et al.,

Respondents.

Civil Action No: 05-CV-2479 (HHK)

Misc. No. 08-442 (TFH)

PETITIONER MINGAZOV'S MOTION
FOR ENTRY OF A SCHEDULING ORDER

Petitioner Ravil Mingazov respectfully requests that this Court enter a Scheduling Order in the above-captioned case for the reasons stated herein.¹

Of the three Guantanamo Bay detainees originally parties to this case, two have been released and one, Petitioner Mingazov, remains incarcerated in Guantanamo. Accordingly, this motion addresses only Petitioner Mingazov's Petition for Writ of Habeas Corpus.

The Court held a status conference in this matter on March 3, 2009. Prior to the status conference, at the Court's request, the parties submitted a Joint Status Report which included both parties' respective positions with regard to scheduling.

At the March 3rd status conference, the Court scheduled a hearing on Petitioner Mingazov's Motion for Leave to File Discovery Requests (Doc. #161) pursuant to Section I.E.2 of the Case Management Order governing the Guantanamo Bay cases (Doc. #152). At the status conference, the Court stated that it would refrain from entering a Scheduling Order in this case

¹ On April 10, 2009, counsel for Petitioner Mingazov conferred with Respondents' counsel. Respondents were not willing to consent to this motion.

until after the hearing on the pending discovery motion. The Court held a classified hearing on the discovery motion on March 27, 2009, and a ruling on the motion is expected soon.

Petitioner Mingazov is the last Russian in Guantanamo. Seven other Russians were detained in Guantanamo and previously released to Russia. Based upon reports of mistreatment of Muslims in Russia and the fate of the other Russians detained in Guantanamo and released to Russia, Petitioner Mingazov fears that he would be tortured and worse if he were transferred to Russia.² For this reason, counsel for Mr. Mingazov has been negotiating with several foreign countries which have expressed an interest in providing him humanitarian refugee status. However, the willingness of the these countries to grant asylum to Mr. Mingazov is, in large part, dependent on him being cleared for release from Guantanamo by the United States government and/or the Court granting his petition for the writ of habeas corpus. Accordingly, it is critical that Mr. Mingazov obtain a prompt hearing of his habeas corpus petition.

Petitioner Mingazov has been incarcerated since March 2002 - more than seven years. Petitioner Mingazov has been awaiting a hearing on his *habeas corpus* petition since it was filed on December 28, 2005. Taking to heart the Supreme Court's determination in *Boumediene v. Bush*, 128 S. Ct. 2229 (June 12, 2008) that detainees in Petitioner's Mingazov's circumstances are entitled to a "prompt" hearing, Petitioner Mingazov respectfully moves this Court for entry of the following proposed scheduling order or an alternative schedule as the Court deems appropriate:

² On August 18, 2006, this Court has entered a 30-Day Notice Order in this case to require Respondents to notify Petitioner and the Court of any intention to transfer him (Doc. # 30). Although Petitioner Mingazov does not anticipate that Respondents will seek to transfer him to Russia, if notice of a transfer to Russia were given, he would see to enjoin the transfer.

1. Respondents shall complete its production of documents pursuant to Sections I.D.1 and I.E.1 of the amended CMO by no later than April 30, 2009.
2. Any motion for the admission of hearsay evidence must be filed on or before May 20, 2009.
3. Petitioner shall file his traverse by no later than June 5, 2009.
4. An evidentiary hearing shall be scheduled for a date convenient to the Court prior to June 30, 2009.

Respectfully submitted,

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Dated: April 10, 2009

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ORDER

Upon consideration of petitioner Mingazov's Motion For Entry of a Scheduling Order and any opposition thereto, it is by the Court this __ day of April, 2009

Ordered that the motion be, and it is hereby, granted. The Scheduling Order for this action shall be as follows:

1. Respondents shall complete its production of documents pursuant to Sections I.D.1 and I.E.1 of the amended CMO by no later than April 30, 2009.
2. Any motion for the admission of hearsay evidence must be filed on or before May 20, 2009.
3. Petitioner shall file his traverse by no later than June 5, 2009.
4. An merits hearing shall be scheduled on June __, 2009.

Henry H. Kennedy
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served by Electronic Case Filing this 10th
day of April 2009.

/s/ Douglas K. Spaulding
Douglas K. Spaulding