

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

IN RE:	)	
GUANTANAMO BAY	)	
DETAINEE LITIGATION	)	Misc. No. 08-442 (TFH)
	)	
ABDUL RAHMAN AHMED,	)	
a/k/a ABDUL AL RAHMAN AL ZIAHRI,	)	
a/k/a ABDURAHMAN LNU,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 09-0745 (RCL)
	)	
BARACK OBAMA,	)	
President of the United States, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

**JOINT MOTION FOR A STAY**

The parties, through undersigned counsel, hereby jointly move for a stay of all proceedings in the above captioned case until August 31, 2009. In support of this motion, counsel state the following:

1. On December 21, 2005, a petition for a writ of habeas corpus was filed in this Court on behalf of Mr. Abdul Rahman Ahmed by Mr. Jamal Abdullah Kiyemba, a fellow detainee at the Guantanamo Bay Naval Base in Cuba, acting as Mr. Ahmed's next friend.
2. On July 29, 2008, Judge Hogan ordered, in cases where a detainee's habeas petition was brought by a person acting as the detainee's next friend, counsel purporting to represent the detainee to file "a signed authorization from the petitioner to pursue this action or a declaration by counsel that states that the petitioner directly authorized counsel to pursue the action and

explains why counsel was unable to secure a signed authorization” within sixty (60) days of the Order. (Order, July 29, 2008 (dkt. no. 524)).

3. On November 14, 2008, the Office of the Federal Public Defender in Ohio was appointed to represent Mr. Ahmed. (Minute Order, Nov. 14, 2008).

4. In February 2009, March 2009, and April 2009 appointed counsel traveled to Guantanamo Bay to meet with Mr. Ahmed and obtain his authorization to represent him in this habeas action. Mr. Ahmed refused to meet with appointed counsel in February and March 2009. Mr. Ahmed did, however, meet with appointed counsel on April 14, 2009. Nonetheless, as of the date of this filing, Mr. Ahmed has not provided appointed counsel with direct authorization of representation.

5. Appointed counsel plans to return to Guantanamo Bay in June 2009 in a fourth attempt to meet with Mr. Ahmed to obtain direct authorization for this habeas action. If Mr. Ahmed continues to withhold authorization of representation, appointed counsel plans to make additional trips to Guantanamo Bay in an effort to comply with the July 29, 2008 Order.

6. The parties agree that it is in their best interest, and will conserve judicial resources, to stay this case for 120-days until August 31, 2009, to allow appointed counsel additional time to meet with Mr. Ahmed and obtain his direct authorization to proceed with this habeas action.

7. The parties agree that the Protective Order entered on September 11, 2008 remains in effect during the period of the stay.

8. The parties reserve the right to move the Court to lift the stay during the 120-day period provided the moving party gives the non-moving party written notice ten (10) days prior to the date of filing the motion.

9. On August 31, 2009, the parties will submit a joint report to the Court regarding the status of this case.

WHEREFORE the parties respectfully request that this Court grant a stay of all proceedings until August 31, 2009. This request is without prejudice to any request for other or additional relief that may be sought in the future.

Dated: April 28, 2009

Respectfully submitted,

/s/ Vicki Werneke

VICKI WERNEKE (LCvR 83.2(e))  
Assistant Federal Public Defender  
CARLOS WARNER (LcvR 83.2(e))  
Assistant Federal Public Defender  
AMY B. CLEARY (LCvR 83.2(e))  
Attorney at Law  
Office of the Federal Public Defender,  
Northern District of Ohio  
1660 West Second Street, Suite 750  
Cleveland, Ohio 44113  
Phone: (216) 522-4856; Fax: (216) 522-4321  
Email: [vicki\\_werneke@fd.org](mailto:vicki_werneke@fd.org)  
Email: [carlos\\_warner@fd.org](mailto:carlos_warner@fd.org)  
Email: [amy\\_cleary@fd.org](mailto:amy_cleary@fd.org)  
Counsel for Abdul Rahman Ahmed

MICHAEL F. HERTZ  
Deputy Assistant Attorney General

TERRY HENRY  
Assistant Branch Director

/s/ Kristina A. Wolfe  
ANDREW I. WARDEN  
PAUL E. AHERN  
JEAN LIN  
KRISTINA A. WOLFE

Attorneys  
United States Department of Justice

Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20530  
Tel: (202) 353-4519  
Fax: (202) 616-8202

Attorneys for Respondents