

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| IN RE: |) | |
| |) | |
| |) | Misc. No. 08-CV-442 (TFH) |
| GUANTANAMO BAY |) | |
| DETAINEE LITIGATION |) | Civil Action No. 05-1509 (RMU) |
| |) | Civil Action No. 05-1602 (RMU) |
| |) | Civil Action No. 05-1704 (RMU) |
| |) | Civil Action No. 05-2386 (RMU) |
| |) | |

OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER

In response to the motion for a Temporary Restraining Order filed on behalf of several of the petitioners in the above-captioned action, respondents respectfully refer the Court to the annexed response to a motion that was filed as Docket Number 87 in Civil Action No. 05-1704, one of the above-captioned matters and seeking essentially the same relief as that sought here on behalf of several of the same petitioners.¹

The declaration filed as part of that response contained information concerning disciplinary infractions related to the specific petitioners on whose behalf that motion was filed. While similar information concerning all the movants here is not fully addressed in that declaration or otherwise addressed in this response due to the exigencies of time, that prior

¹ At the time that response was filed, Civil Action 05-CV-1704 was on the docket of Judge Robertson. It has since been transferred to the docket of Judge Urbina. The response responded to a motion for a temporary restraining order, which was denied as moot as ordered by Judge Robertson in a Minute Order entered on the docket of Civil Action Number 05-CV-1704 on July 9, 2008, and to a motion for a preliminary injunction. A similar motion was filed in Civil Action Number 05-CV-1509 (Docket Numbers 113, 114). The TRO aspect of that motion was denied by Judge Urbina by Minute Order dated June 26, 2008, “for failing to demonstrate the specific grounds on which the court can determine irreparable injury.” The preliminary injunction aspect of that motion was withdrawn on July 3, 2008. Docket Number 116. In the present filing, the petitioners identify no material change in circumstances nor any irreparable harm that would warrant a different result here.

response and declaration provide ample basis and explanation as to why this motion should be denied, including that this Court lacks jurisdiction over the petitioners' collateral challenges to the conditions of their confinement and that the petitioners' assertions do not in any event satisfy the requirements for a temporary restraining order or preliminary injunction.

Dated: August 1, 2008

Respectfully submitted,

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