

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<p>IN RE:</p> <p>GUANTANAMO BAY DETAINEE LITIGATION</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Misc. No. 08-442 (TFH)</p> <p>No. 04-CV-1136 (JDB)</p>
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**RESPONDENT’S OPPOSITION TO PETITIONER’S  
MOTION FOR STATUS CONFERENCE**

Respondents oppose petitioner’s Motion for Status Conference (dkt. no. 191). Petitioner has been charged with crimes pursuant to the Military Commission Act of 2006 (“MCA”). Pre-trial hearings are scheduled in his Military Commissions Act case for August 13, 2008, and September 28, 2008, with trial to commence on October 8, 2008. Petitioner asserts that the military commission lacks jurisdiction to proceed against him because of his status as a former child soldier, and, accordingly, habeas review is appropriate to resolve that issue. In addition, petitioner asserts, without specificity, that his case presents “unique questions” that are not common to other habeas petitioners and requests that the court schedule a status conference “to discuss a schedule for briefing and resolving these issues.” *See* Petitioner’s Motion at 2.

In light of the Court’s orders of July 11, 2008 (dkt. 188), and July 29, 2008 (dkt. 197), and the hearing held on July 8, 2008, petitioner’s motion for a status conference should be denied. To the extent petitioner contends that this Court should enjoin proceedings before the military commission because the military commission lacks jurisdiction over him, any such argument should be addressed to this Court by way of motion.<sup>1</sup> Respondents note, however, the

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<sup>1</sup> Petitioner recently moved, and the Court of Appeals granted, his motion to dismiss his petition under Detainee Treatment Act of 2005 (“DTA”), in which he advanced similar argument concerning the military commission’s jurisdiction. *See Khadr v. Gates*, 07-1156 (D.C. Cir.).

Court of Appeals recently refused to review a pretrial ruling by the military appeals court reinstating charges against petitioner, emphasizing that there is “no substantial public interest at stake” in protecting petitioner from standing trial before the military commission. *Khadr v. United States*, 529 F.3d 1112, 1118 (2008). Further, Judge Robertson recently denied a motion filed by a Guantanamo Bay detainee to enjoin his military commission proceedings. *See Hamdan v. Gates*, 04-CV-1519 (JR), 2008 WL 2780911 (D.D.C. July 18, 2008).

To the extent petitioner contends that merit proceedings in his habeas case should proceed, the Court has directly addressed that issue in its July 11, 2008 Order, which exempted respondents from the need to proceed with the preparation of factual returns for petitioners who have been charged under the MCA.

For these reasons, petitioner’s motion for a status conference should be denied.

Dated: August 4, 2008

Respectfully Submitted,

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