

Pre-approved by CSO for public filing

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

IN RE:)	
)	
GUANTÁNAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	
)	Civil Action No. 05-CV-2384 (RWR)
)	

MOTION FOR EXTENSION OF TIME

Pursuant to the Court's Order of July 29, 2008, Petitioner Mohammad Zahrani, through his undersigned counsel, requests a one-week extension of time until October 6, 2008 to file the authorization or counsel's declaration regarding the representation.

1. Petitioner's counsel, Patricia A. Bronte, has not yet met with Mr. Zahrani but is scheduled to travel to Guantánamo Bay to meet with him on October 1, 2008. (Declaration of Patricia A. Bronte, ¶ 2, attached as Exhibit A.)

2. Petitioners' counsel have not yet been able to meet with Mr. Zahrani for the following reasons:

a. Counsel was scheduled to meet with Mr. Zahrani on June 10, 2006. On that morning, members of the SJA's office informed counsel that no *habeas* counsel would be permitted to meet with their clients that day. Later in the day, counsel learned that three prisoners had died and, as a result, the prison camp was closed. (Ex. A, ¶ 3.a.)

b. Counsel attempted again to meet with Mr. Zahrani on the morning of August 2, 2006. The military escort informed counsel that Mr. Zahrani refused this meeting. Neither counsel nor her translator was permitted to see Mr. Zahrani to confirm his wishes regarding the meeting. (*Id.*, ¶ 3.b.)

c. On January 2, 2007, counsel submitted a Freedom of Information Act (“FOIA”) request to the Department of Defense, seeking various unclassified documents relating to a number of counsel’s clients, including Mr. Zahrani. (*Id.*, ¶ 3.c.)

d. The Department of Defense failed to produce any documents in response to the FOIA request until counsel filed suit on October 2, 2007. (*Id.*, ¶ 3.d.)

e. On May 12, 2008, the Department of Defense produced to counsel a number of documents, including a log of interactions between Mr. Zahrani (ISN 713) and his guards on August 1 and 2, 2006. (*Id.*, ¶ 3.e and Exhibit 1.)

f. The log contains four (4) entries for August 1, 2006 and nine (9) entries for August 2, 2006, reporting events such as “received sheet,” “returned sheet,” “exchanged library books,” “refused shower,” and “refused breakfast.” (*Id.* at Ex. 1.) Not one of the entries for those days indicates that Mr. Zahrani refused to meet with counsel. (*Id.*) Indeed, none of the entries suggests that Mr. Zahrani was even informed that counsel had traveled to Guantánamo to meet with him. (*Id.*)

3. Petitioner’s counsel is informed and believes that Mr. Zahrani is being held in solitary confinement, isolated from any contact with fellow prisoners or other persons except guards and interrogators. (*Id.*, ¶ 4.)

4. After learning that Mr. Zahrani may not have been informed of counsel’s attempt to meet with him on August 2, 2006, counsel submitted another meeting request to Respondents on July 10, 2008. Respondents have now approved counsel’s upcoming meeting with Mr. Zahrani on October 1, 2008. (*Id.*, ¶ 5.)

WHEREFORE, counsel for Mr. Zahrani respectfully requests an extension of time until October 6, 2008, to file a notice of authorization or declaration of counsel regarding the representation of Mr. Zahrani.

Dated: August 5, 2008

Respectfully submitted,

/s/ Patricia A. Bronte
One of the Attorneys for Petitioners
Saad Al Qahtani and Mohammed Zahrani

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Of Counsel

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Exhibit A

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

IN RE:)
)
GUANTÁNAMO BAY) **Misc. No. 08-442 (TFH)**
DETAINEE LITIGATION)
) **Civil Action No. 05-CV-2384 (RWR)**
)

DECLARATION OF PATRICIA A. BRONTE

The undersigned, Patricia A. Bronte, attorney at law, declares and states as follows:

1. I am one of the attorneys who has represented Mohammad Zahrani in this matter.
2. I have not yet met with Mr. Zahrani but I am scheduled to travel to Guantánamo Bay to meet with him on October 1, 2008.
3. I have not yet been able to meet with Mr. Zahrani for the following reasons:
 - a. I was scheduled to meet with Mr. Zahrani on June 10, 2006. On that morning, members of the SJA's office informed me that no *habeas* counsel would be permitted to meet with their clients that day. Later in the day, I learned that three prisoners had died and, as a result, the prison camp was closed.
 - b. My partner, David J. Bradford, attempted again to meet with Mr. Zahrani on the morning of August 2, 2006. The military escort informed him that Mr. Zahrani refused this meeting. Neither Mr. Bradford nor his translator was permitted to see Mr. Zahrani to confirm his wishes regarding the meeting.
 - c. On January 2, 2007, I submitted a Freedom of Information Act ("FOIA") request to the Department of Defense, seeking various unclassified documents relating to a number of my clients, including Mr. Zahrani.

d. The Department of Defense failed to produce any documents in response to the FOIA request until I filed suit on October 2, 2007.

e. On May 12, 2008, the Department of Defense produced to me a number of documents, including a log of interactions between Mr. Zahrani and his guards on August 1 and 2, 2006. (Attached as Exhibit 1.)

f. The log contains four (4) entries for August 1, 2006 and nine (9) entries for August 2, 2006, reporting events such as “received sheet,” “returned sheet,” “exchanged library books,” “refused shower,” and “refused breakfast.” Not one of the entries for those days indicates that Mr. Zahrani refused to meet with counsel. Indeed, none of the entries suggests that Mr. Zahrani was even informed that counsel had traveled to Guantánamo to meet with him.

4. I am informed and believe that Mr. Zahrani is being held in solitary confinement, isolated from any contact with fellow prisoners or other persons except guards and interrogators.

5. After learning that Mr. Zahrani may not have been informed of our attempt to meet with him on August 2, 2006, I submitted another meeting request to Respondents on July 10, 2008. Respondents have now approved my upcoming meeting with Mr. Zahrani on October 1, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4th August, 2008.

Signed,



Patricia A. Bronte, Esq.

Exhibit 1
to
Exhibit A

~~SECRET // NOFORN~~

(S//NF)	8/4/2006 5:00:00 AM	00-Detainee Note	ISN#000713. [REDACTED]	RETURNED SHEET
(S//NF)	8/4/2006 4:25:00 AM	02-Refused Medicines	ISN#000713. APPROX 0420	REFUSED MEDS @
(S//NF)	8/3/2006 10:00:00 PM	00-Detainee Note	ISN#000713. ISSUE	RECEIVED SHEET @ SHEET
(S//NF)	8/3/2006 7:40:00 PM	00-Detainee Note	ISN#000713. CELL SEARCH @ 1900	TOOK SHOWER, NCF UPON
(S//NF)	8/3/2006 7:20:00 PM	00-Detainee Note	ISN#000713. 1939 HRS	WENT TO REC PEN : 1838-
(S//NF)	8/3/2006 5:00:00 AM	00-Detainee Note	ISN#000713.	RETURNED SHEET
(S//NF)	8/3/2006 12:10:00 AM	00-Detainee Note	ISA#000713.	EXCHANGED PANTS, SHIRT, AND WASHCLOTH AT UNIFORM EXCHANGE.
(S//NF)	8/2/2006 10:45:00 PM	02-Refused Medicines	ISA#000713. APPROX 1830	REFUSED MEDS @
(S//NF)	8/2/2006 10:25:00 PM	00-Detainee Note	ISA#000713.	NCF UPON CELL SEARCH.
(S//NF)	8/2/2006 10:00:00 PM	00-Detainee Note	ISN#000713. ISSUE	RECEIVED SHEET @ SHEET
(S//NF)	8/2/2006 8:00:00 PM	00-Detainee Note	ISN#000713.	DETAINEE EXCHANGED LIBRARY BOOKS.
(S//NF)	8/2/2006 7:48:00 PM	02-Refused Medicines	ISN#000713. APPROX 1630	REFUSED MEDS @
(S//NF)	8/2/2006 4:00:00 PM	00-Detainee Note	ISN#000713. NCF	CONDUCTED CELL SEARCH
(S//NF)	8/2/2006 1:15:00 PM	00-Detainee Note	ISN#000713. #1040 - 1150, REFUSED SHOWER	DETAINEE TO REC PEN 2
(S//NF)	8/2/2006 6:52:00 AM	00-Detainee Note	ISN#000713. CHOW	REFUSED BREAKFAST
(S//NF)	8/2/2006 5:00:00 AM	00-Detainee Note	ISN#000713.	RETURNED SHEET
(S//NF)	8/1/2006 10:00:00 PM	00-Detainee Note	ISN#000713.	RECEIVED SHEET
(S//NF)	8/1/2006 9:30:00 PM	00-Detainee Note	ISA#000713. [REDACTED]	MOVED TO REC PEN 1 AT 1601 RETURNED TO CELL AT 1716
(S//NF)	8/1/2006 5:30:00 PM	00-Detainee Note	ISA#000713. [REDACTED]	REFUSED SHOWER @ 1716 AND NO CONTRABAND FOUND @ 1435
(S//NF)	8/1/2006 5:00:00 AM	00-Detainee Note	ISA#000713.	RETURNED SHEET
(S//NF)	7/31/2006 10:00:00 PM	00-Detainee Note	ISA#000713.	RECEIVED SHEET
(S//NF)	7/31/2006 9:45:00 PM	00-Detainee Note	ISA#000713.	TOOK SHOWER AT 2031

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~~SECRET // NOFORN~~

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2008, I caused the foregoing Motion for Extension of Time to be delivered to the below-listed counsel of record in the above-captioned matters through the CM/ECF system:

Andrew I. Warden
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, D.C. 20530

Terry Marcus Henry
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, D.C. 20530

/s/ Patricia A. Bronte