

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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IN RE: )

GUANTANAMO BAY )  
DETAINEE LITIGATION )

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Misc. No. 08-MC-442 (TFH)

Civil Action No. 08-CV-1229

STATUS REPORT

The petitioner, YAKUBI, by and through undersigned counsel, hereby responds to the Court's order of August 15, 2008, with this status report:

1. Counsel recently filed entries of appearance in this case.
2. Counsel will soon file an amended habeas petition in this Court. However, in its status report, the government asks this Court to dismiss the case as moot, in light of the recent transfer of Mr. Yakubi to "the control of the government of Afghanistan." *See* Docket No. 6. On the contrary, counsel objects to a dismissal of the petition on this ground. Mr. Yakubi likely remains in the constructive custody of the United States. It appears that Mr. Yakubi remains imprisoned in Afghanistan based upon an agreement with the United States and based upon the "enemy-combatant" label given to Mr. Yakubi by the United States military. Therefore, counsel seeks leave of the Court to file a comprehensive brief in response to the government's motion to dismiss.
3. Counsel has attempted to communicate with Mr. Yakubi and his counsel, if any, in Afghanistan, but has not succeeded thus far.

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Dated this the 22d day of August, 2008.

Respectfully submitted,

*/s/ W. Matthew Dodge*

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W. MATTHEW DODGE

Georgia State Bar No. 224371

*/s/ Brian Mendelsohn*

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BRIAN MENDELSON

Georgia State Bar No. 502031

FEDERAL DEFENDER'S PROGRAM, INC.

Suite 1700, The Equitable Building

100 Peachtree Street, N.W.

Atlanta, Georgia 30303

Telephone: (404) 688-7530

Facsimile: (404) 688-0768

E-mail: [Matthew\\_Dodge@fd.org](mailto:Matthew_Dodge@fd.org)