

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

IN RE:

**Guantanamo Bay
Detainee Litigation**

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)
) **Misc. No. 08-0442 (TFH)**
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) **Civil Action No. 05-1347 (GK)**
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**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO
PETITIONERS' MOTION FOR ADVANCE NOTICE
OF ANY TRANSFER OF PETITIONER FROM GUANTANAMO BAY**

Respondents hereby request an extension of time to respond to petitioners' motion for advance notice of any transfer of petitioner from Guantanamo Bay and state as follows:

1. This case is a petition for writ of habeas corpus on behalf of an individual held by the Department of Defense ("DoD") as an enemy combatant at the United States Naval Base, Guantanamo Bay, Cuba.
2. On June 25, 2008, petitioner filed a motion seeking advance notice of any transfer of petitioner from Guantanamo Bay. *See* Dkt. No. 31. Respondents' response to petitioner's motion is currently due on July 7, 2008.
3. Petitioner's motion raises serious issues, including issues related to separation of powers and the Court's jurisdiction to grant the relief requested by petitioners – issues informed by or addressed in a recent decision of the Supreme Court. *See Munaf v. Geren*, ___ U.S. ___, 128 S. Ct. 2207 (Jun. 12, 2008). At least two other motions brought by or on behalf of Guantanamo Bay detainees are also pending in other cases before this Court. Respondents need additional time to adequately respond to the matters raised in these motions, including the motion in this case.

4. Counsel for respondents request that respondents be permitted a modest extension of two days, until July 9, 2008, to file their response to petitioner's motion.

5. To facilitate this requested extension of time, respondents agree that for the period from July 3, 2008, through the time of filing of respondents' response, respondents will provide counsel for petitioner 30-days' advance notice of any transfer of petitioner from Guantanamo Bay, should such a transfer be scheduled.

6. Counsel for respondents has conferred with counsel for petitioner. In light of respondents' representation reflected in ¶ 5 above, counsel for petitioner does not oppose the requested extension for filing a response to petitioner's motion.

WHEREFORE, the Court should grant respondents an extension of time until July 9, 2008, in which to respond to petitioner's motion for advance notice of transfer. A proposed order is attached.

Dated: July 3, 2008

Respectfully submitted,

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