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

IN RE:
**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-0442 (TFH)
Civil Action Nos.
04-1136 (JDB), 05-2371 (RCL)

**PETITIONERS' RESPONSE TO RESPONDENTS' MOTION
FOR RELIEF FROM SCHEDULING ORDER**

Pursuant to this Court's September 3, 2008 Order, counsel for Petitioners O.K.¹ (Civil Action No. 04-1136 (JDB)) and Ahmad Mohammad Al Darbi (Civil Action No. 05-2371 (RCL)) (collectively, "Petitioners") submit the following response to the Government's Motion for Partial and Temporary Relief from the Court's July 11, 2008 Scheduling Order (Aug. 29, 2008) ("Motion"):

1. The Motion seeks relief from the Government's obligation to produce factual returns and amended returns in accordance with deadlines established by the Court.
2. Petitioners each face imminent prosecution before a military commission at Guantánamo Bay convened pursuant to the Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat. 2600. In its July 11, 2008 Scheduling Order, the Court stated: "At this time pending further order of the Court, the government need not file factual returns or motions to amend factual returns for the approximately 20 detainees charged with war crimes under the Military Commissions Act of 2006." July 11, 2008 Order at 4 n.1.

¹ Pursuant to Local Civil Rule 5.4(f)(2), which requires that the names of minor children not be used in electronically filed documents, the initials "O.K." are used to refer to the Petitioner in No. 04-1136.

3. Accordingly, it is Petitioners' understanding that the Motion does not apply in their cases.

Dated: September 8, 2008

Respectfully submitted,

SIMPSON THACHER & BARTLETT LLP

/s/ Paul C. Curnin

Paul C. Curnin

Karen E. Abravanel

425 Lexington Avenue

New York, NY 10017

Tel: (212) 455-2000

Fax: (212) 455-2502

Email: pcurnin@stblaw.com

Counsel for Petitioners,

Civil Action No. 05-2371 (RCL)

O'MELVENY & MYERS LLP

/s/ Karl R. Thompson

Karl R. Thompson

1625 Eye Street, NW

Washington, DC 20006-4001

Tel: (202) 383-5300

Fax: (202) 383-5414

Email: kthompson@omm.com

Counsel for Petitioner,

Civil Action No. 04-1136 (JDB)

CERTIFICATE OF SERVICE

I hereby certify that I today caused a true and accurate copy of the foregoing to be served electronically via the Court's Electronic Case Filing system.

Dated: September 8, 2008

/s/ Paul C. Curnin
Paul C. Curnin