

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

IN RE:)	
)	
GUANTANAMO BAY DETAINEE)	Misc. No. 08-442 (TFH)
LITIGATION)	
)	
OMAR KHADR, et al.)	
Petitioners,)	
v.)	No. 04-cv-1136 (JDB)
)	
GEORGE W. BUSH, et al.)	
Respondents)	
)	

**DEFENDANT’S MOTION AND MEMORANDUM IN SUPPORT OF AN EXTENSION
OF ONE WEEK IN WHICH TO RESPOND TO MOTION FOR JUDGMENT ON THE
PLEADINGS**

Respondents move, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for a one week extension of time to Wednesday, September 17, 2008, in which to respond to petitioners’ motion for judgment on the pleadings or, in the alternative, for summary judgment based on petitioner’s juvenile status. Petitioners’ counsel indicates that they will file a response to this motion.

In support of the motion, the Defendant states as follows:

1. On August 20, 2008 plaintiff moved this Court for judgment on the pleadings or, in the alternative, for summary judgment based upon petitioner’s juvenile status.
2. On August 28, 2008, this Court ordered the government’s response to this motion due September 10, 2008 and ordered petitioners’ reply due September 19, 2008.

3. The undersigned, August E. Flentje, is the attorney assigned primary responsibility for this matter. In addition to this matter, petitioner has primary responsibility for filing a brief in the D.C. Circuit that is due September 9, 2008 in *Al Odah v. Bush*, Nos. 05-5117 through 05-5127. Additionally, on September 4, 2008, Mr. Flentje was the attorney primarily responsible for filing the reply brief addressing procedural framework issues in Judge Sullivan's Guantanamo habeas cases, Nos. 05-cv-409, 05-cv-765, 05-cv-886, 05-cv-1234; 05-cv-2348, 06-cv-1725, 08-cv-864, and 08-cv-1222. In addition, Mr. Flentje's wife has recently been diagnosed with a serious medical problem that has limited the amount of time Mr. Flentje has had to prepare the brief in the matter.

4. Respondents request that this Court grant an extension of one week, so that their response is due September 17, 2008. Respondents also request that this Court adjust the due date of petitioners' reply accordingly, so that it is due on September 26, 2008.

Pursuant to Local Rule 7(m), counsel for respondent has sought consent to this extension of time and petitioners' counsel has indicated that they will file a response to this motion.

CONCLUSION

The Defendant respectfully requests that its time to respond to petitioners' motion for judgment on the pleadings or, in the alternative, for summary judgment based on petitioner's juvenile status be extended for one week, to and including September 17, 2008, and that the due date for petitioners' reply be due September 26, 2008. A proposed order is attached.

Dated: September 9, 2008

Respectfully Submitted:

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Assistant Attorney General

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Deputy Assistant Attorney General

/s/ August E. Flentje

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Upon respondents motion for a one week extension in which to respond to petitioners' motion for judgment on the pleadings or, in the alternative, for summary judgment based on petitioner's juvenile status.

1. Respondents' aforesaid motion is hereby granted.
2. Respondents respond to petitioners' motion for judgment on the pleadings or, in the alternative, for summary judgment based on petitioner's juvenile status is due September 17, 2008.
3. Petitioners' reply is due September 26, 2008.

Date: _____

UNITED STATES DISTRICT JUDGE