

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**Unopposed Motion for Leave to Exceed the Page Limits**

The respondents hereby move for an order granting leave to file a brief of not more than 53 pages in opposition to petitioner's motion for judgment as a matter of law and in support of the government's motion to hold this case in abeyance or dismiss it without prejudice. Counsel for the respondents has consulted with counsel for petitioner who does not object to the relief sought in this motion. The reasons for this motion are as follows.

Petitioner's motion both challenges his prosecution before a military commission as well as his detention as an enemy combatant. In addition to addressing the merits of these arguments, the government's response addresses jurisdictional flaws in petitioner's claim and the requirement that this Court abstain from addressing it pending the completion of military commission proceedings. The government is also moving to hold petitioner's habeas case in abeyance or to dismiss it without prejudice pending the completion of those proceedings. Given the many complex issues addressed in the government's brief, the government respectfully requests leave to file a brief that of not more than 53 pages. The government believes that a brief

of this length is necessary in order to respond to all of petitioner's arguments.

Counsel for respondents has contacted counsel for petitioner, who indicates that petitioner does not object to the relief requested in this motion. In return, respondents will not object to a motion for leave to exceed the page limits in petitioner's reply, if petitioner seeks such leave.

Dated: September 15, 2008

Respectfully submitted,

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Assistant Attorney General

JOHN C. O'QUINN  
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/s/ August E. Flentje  
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Upon respondents motion for leave to exceed the page limitation, it is hereby ordered as follows:

1. Respondents' aforesaid motion is hereby granted.
2. Respondents are hereby granted leave to file a brief of not more than 53 pages in support of his response to petitioner's motion for judgment on the pleadings or for summary judgment and in support of respondents' motion to hold this case in abeyance or dismiss it without prejudice.

Date: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE