

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH WAZIR ZADRAN, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Case No. 1:05-CV-2367 (RWR)

IN RE :

GUANTANAMO BAY
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

MOTION TO SEVER PETITION OF GHULAM ROHANI

Petitioner Ghulam Rohani (ISN 003) hereby moves to sever his petition from those of the other petitioners in his original habeas action, *Zadran v. Bush*, No. 05-2367, and from the group of other habeas cases with which was it assigned for coordination and management, Misc. No. 08-442. Unlike the other petitioners in those two matters, Petitioner Rohani is no longer at Guantanamo, but instead is currently imprisoned in a U.S.-sponsored prison in Afghanistan, Block D of Policharkei Prison. Thus his petition should be separated from No. 05-2367 and from Misc. No. 08-442, given a new individual number (while remaining before this Court), and the assigned for purposes of coordination and management to the coordinated case pending on behalf of former Guantanamo detainees who are imprisoned abroad, Misc. No. 08-444. Simultaneously with the filing of this motion to sever, therefore, Petitioner Rohani is also

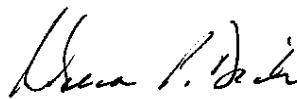
moving for assignment of his severed case to Misc. 08-444 for purposes of coordination and management. Finally, Petitioner Rohani is also moving to file a status report, which is due for petitioners in Misc. No. 08-444 on July 14, 2008.

Rohani's petition is particularly appropriate for transfer to Misc. No. 08-444. Rohani's current imprisonment is a collateral consequence of his Guantanamo detention; there is also evidence that he remains in constructive U.S. custody. Block D is part of a Soviet-era prison that was refurbished with U.S. funds to hold only prisoners from Guantanamo and the U.S. prison at Bagram Air Base in Afghanistan, and *all* Guantanamo prisoners returning to Afghanistan are now sent there. U.S. "advisors" are present twenty-four hours a day. Discovery regarding collateral consequences and constructive custody will be appropriate, unless Respondents concede these points. The same issues are likely to arise in other cases on behalf of Guantanamo petitioners now in Block D, and those other cases are being transferred for purposes of coordination and management to Misc. No. 08-444. Coordination of Rohani's petition with Misc. No. 08-444 is therefore advisable.

Pursuant to LCvR 7(m), counsel have conferred with Respondents. They stated that they "reserve" their position on this motion.

Petitioner Rohani hereby respectfully requests that this Court sever his petition from No. 05-2367 and Misc. No. 08-442, and order that it be assigned a new case number, while remaining before this Court.

Respectfully submitted,



Rebecca P. Dick

Dated: July 14, 2008

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