

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALI SHAH MOUSOVI, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Case No. 1:05-CV-1124 (RMC)

IN RE :
GUANTANAMO BAY
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

MOTION TO SEVER PETITION OF HAJI ROHULLAH WAKIL

Petitioner Haji Rohullah Wakil (ISN 798) hereby moves to sever his petition from those of the other petitioners in his original habeas action, *Mousovi v. Bush*, No. 05-1124 (RMC), and from the group of other habeas cases with which it was assigned for coordination and management, Misc. No. 08-442. Unlike the other petitioners in those two matters, Petitioner Rohullah is no longer being detained 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. 05-1124 and from Misc. No. 08-442, given a new individual case number (while remaining before this Court), and then assigned for purposes of coordination and management to Misc. No. 08-444, the coordinated case pending on behalf of former Guantanamo detainees who are imprisoned abroad. Simultaneously with filing this motion to sever, therefore,

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

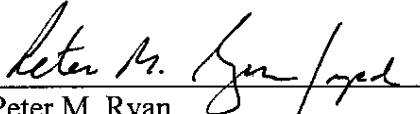
Rohullah's petition is particularly appropriate for transfer to Misc. No. 08-444. His petition was dismissed on the basis of Respondents' notice that he had been transferred in April 2008 out of Guantanamo, but it is the subject of a pending Rule 59(e) motion to alter or amend judgment based on his incarceration in Block D of Policharkei Prison. Rohullah'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. 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 Rohullah's petition with Misc. No. 08-444 is therefore appropriate.

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

Petitioner Haji Rohullah hereby respectfully requests that this Court sever his petition from No. 05-1124 and Misc. No. 08-442, and order that it be assigned a new case number, while remaining before this Court.

Respectfully submitted,

Dated: July 14, 2008


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