

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

IN RE:) GUANTANAMO BAY) DETAINEE LITIGATION))	Misc. No. 08-0442 (TFH)
)	Civil Action No. 04-1254 (HHK)

**MOTION TO DEFER RESPONSE TO
“MOTION FOR LEAVE TO FILE AMENDED FACTUAL RETURN”**

On September 19, 2008, Respondents moved for leave to file an amended return with respect to Petitioner Majid Mahmud Abdu Ahmad (ISN #41) as well as certain other detainees. This Court has entered an order directing that responses to this motion be filed by October 3, 2008. On September 22, 2008, Respondents moved for leave to file an amended return with respect to Petitioner Salman Yahya Hassan Mohammed Rabeii (ISN #508) as well as certain other detainees. This Court has entered an order directing that responses to this motion be filed by October 6, 2008.

Counsel are currently attempting to resolve a question concerning their continuing representation of Petitioners Ahmad and Rabeii. Counsel respectfully request that the Court hold Respondents' motion in abeyance with respect to Petitioners Ahmad and Rabeii, and defer the time for Petitioners Ahmad and Rabeii to respond, pending resolution of this question. Counsel will notify counsel for Respondents as to the status of this matter on or before November 10, 2008, and the parties may then reassess their position.

In a similar motion filed in this case with respect to Petitioner Al Warafi (ISN #117), this Court granted partial relief, ordering that by November 10, 2008, counsel for Petitioner Al Warafi “shall either respond to the government’s motion for leave to file an amended factual return in Petitioner’s case or show cause why Petitioner’s petition should not

be dismissed.” Order, Sept. 15, 2008. If the Court should impose a similar deadline for response in the case of the two instant Petitioners, Petitioners further respectfully request that the deadline not be accompanied by an alternative order to show cause.

Counsel for Respondents has been consulted and states that Respondents do not oppose the instant motion.

Respectfully submitted,

/s/

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