

[ECF FILING CLEARED BY CSO VIA EMAIL]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)		
IN RE:)		
)	Misc. No. 08-0442 (TFH)	
GUANTANAMO BAY)		
DETAINEE LITIGATION)	Civil Action No. 05-0998 (RMU)	
)		
)		

PETITIONER'S STATUS REPORT

The petitioner, ARKAN MOHAMMAD GHAFIL AL KARIM, by and through undersigned counsel, hereby responds to the Court's order of July 11, 2008, with this status report. *See* Docket No. [43].

1. *The Case Was Stayed in the District Court, But Not Dismissed, Pending Resolution of Boumediene*

Judge Urbina stayed this case — but did not dismiss it — pending the *Boumediene* decision. *See Memorandum Order*, Docket No. [34]. To the extent that the case is still under a stay, counsel urges this Court to summarily lift the stay, in light of *Boumediene*.

2. *The Order Requiring Thirty Days' Advance Notice of Transfer Is In Place*

On August 8, 2005, Judge Urbina ordered that the government provide counsel with thirty days' advance notice of transfer from the prison at Guantanamo Bay. *See Memorandum Order*, Docket No. [3].

3. *The Government's Appeal in the D.C. Circuit Has Been Held In Abeyance*

The government appealed the advance notice order in the form of an interlocutory appeal. *See Notice of Appeal*, Docket No. [4]. In response, the D.C. Circuit consolidated this and other Guantanamo cases under the caption *Abdah v. Bush*, Case No. 05-5224. On August 9, 2007, the D.C. Circuit issued an order holding this and other cases in abeyance pending the Supreme Court's resolution of *Boumediene*. *See Mandate*, Docket No. [35]. The case is still in abeyance.

4. *The Factual Return Has Not Been Disclosed*

The government has not yet provided the factual return to Mr. Al Karim and counsel.

5. *The Government Has Notified Counsel that Mr. Al Karim is “Cleared for Release”*

On February 22, 2007, the Government notified counsel for Mr. Al Karim, that it had cleared him for release from the prison at Guantanamo Bay, Cuba, although that “clearance” included caveats and even now, almost 18 months later, Mr. Al Karim remains an inmate at the prison.

Conclusion

Counsel has provided this information based on the facts available to him today. Counsel will gladly be available to discuss these and any other issues of concern to the Court at any time proposed by the Court.

Dated this the 15th day of July, 2008.

Respectfully submitted,

/s/ W. Matthew Dodge

W. MATTHEW DODGE (Pursuant to LcvR 83.2(g))

Georgia State Bar No. 224371

FEDERAL DEFENDER’S PROGRAM, INC.

Suite 1700, The Equitable Building

100 Peachtree Street, N.W.

Atlanta, Georgia 30303

Telephone: (404) 688-7530

Facsimile: (404) 688-0768

E-mail: Matthew.Dodge@fd.org