

ORAL ARGUMENT NOT YET SCHEDULED]

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

ZAYN AL ABIDIN MUHAMMAD)
 HUSAYN (ISN # 10016),)
)
Petitioner.)
)
 v.)
)
 ROBERT M. GATES,)
)
Respondent.)
)
)

Misc. 8MC-442 (TFH)

No. 8CV-1360 (RWR)

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR
RECONSIDERATION**

Petitioner Zayn al-Abidin Muhammad Husayn (“Petitioner”) respectfully requests an extension of time to file a motion for reconsideration of this Court’s September 22, 2008 denial of Petitioner’s Emergency Motion for Immediate Disclosure of Petitioner’s Medical Records and for Related Relief. According to Federal Rule of Civil Procedure 59(e), a motion to alter or amend a judgment must be filed within 10 days of the entry of the judgment at issue. In this case, Petitioner’s motion would, therefore, be due on Monday, October 6, 2008. However, in light of the need of Petitioner’s counsel to travel to the secure facility to draft the motion to reconsider that provides the court with newly acquired information, Petitioner respectfully requests an extension of one week to Monday, October 13, 2008.

Counsel for Petitioner, Joseph Margulies, traveled to Guantanamo to meet with Petitioner on Thursday, September 25. After meeting with Petitioner on Friday, September 26 and Monday, September 29, Mr. Margulies returned to the United States on September 30. As a

result of these meetings with Petitioner, Mr. Margulies obtained information that is relevant to Petitioner's motion and that may affect the Court's willingness to reconsider its previous decision.

The motion in question must be drafted at the secure facility. Mr. Margulies and his co-counsel can only confer about conversations with Petitioner at the secure facility pursuant to the terms of the protective order. Accordingly, Mr. Margulies must come to Washington, D.C. to draft the motion. Mr. Margulies, however, is unable to travel to the secure facility in Washington, D.C. in time to prepare a motion for reconsideration before the October 6 deadline. Arrangements have been made for Mr. Margulies to travel to the secure facility on Wednesday, October 8. Accordingly, Petitioner respectfully requests permission to file a motion for reconsideration the following Monday, October 13, an extension of one week from the original deadline. Petitioner has conferred with counsel for the Government regarding this request, and the Government has no objection. The motion is therefore captioned as unopposed.

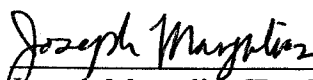
CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant the requested extension.

Dated: October 3, 2008

Washington, District of Columbia

Respectfully submitted,

 *AM*

Joseph Margulies [Bar No. 48487]
MacArthur Justice Center
Northwestern University School of Law
357 East Chicago Avenue

Chicago, Illinois 60611
(312) 503-0890

George Brent Mickum IV [Bar No. 396142]
Amanda L. Edwards
Spriggs & Hollingsworth
1350 I Street NW
Washington, D.C. 20001
Tel: (202) 898-5866
Fax: (202) 682-1639


Baher Azmy
SETON HALL LAW SCHOOL
CENTER FOR SOCIAL JUSTICE
One Newark Center
Newark, NJ 07102
(973) 642-8700

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on this 2nd day of October 2008 on the following persons, both electronically and via first class mail:

Judry L. Subar
Terry M. Henry
Andrew I. Warden
Jean Lin
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusettes Avenue, N.W.
Washington, D.C. 20530



George Brent Mickum IV