

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

**IN RE GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action No. 05-CV-1638 (CKK)

This Document Relates To:

MOHAMMED RAJEB ABU GHANEM,

Petitioner/Plaintiff,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

**PETITIONER'S RESPONSE TO RESPONDENTS' MOTION FOR
LEAVE TO FILE AMENDED FACTUAL RETURN**

On September 26, 2008, Respondents submitted to this court a motion for leave to file an amended factual return in the above captioned case for Petitioner Mohammed Rajeb Abu Ghanem. Petitioner Ghanem respectfully requests that the Court deny Respondents' motion as moot, because Respondents have not previously filed a factual return in this case.

In their motion, Respondents argue, "Just as the Government will be submitting evidence beyond the 2004 CSRT [Combatant Status Review Tribunal] records to justify its determination to detain enemy combatants in those cases in which *no* factual return has yet been filed, it should be permitted to submit such returns here as doing so will represent its most appropriate case for the non-punitive detention of each petitioner as an enemy combatant today." Resps' Mot. at 1 (*italics original*). Respondents' motion is

predicated on the misapprehension that a factual return has already been submitted in this case.

In so responding, Petitioner Ghanem does not waive any objections to the adequacy or sufficiency of the factual return filed by the government in this case on September 26, 2008, and reserves his right to challenge the government's factual return on these or any other grounds at a later time.

For the foregoing reasons, Respondents' motion should be denied as moot.

Dated: October 10, 2008

Respectfully submitted,

Counsel for Petitioner:

/s/ Brent N. Rushforth

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CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of October, 2008, I caused a true and correct copy of the attached Petitioner's Response to Respondents' Motion for Leave to File

Amended Factual Return to be served on the ECF system:

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