

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

IN RE: GUANTANAMO BAY DETAINEE LITIGATION

Doc. 753

Rahim ali-Nashir,

Petitioner,

v.

Robert M. Gates, et. al.

Respondents.

PROPOSED ORDER

Misc. No. 08-0442 (TFH)
Civil Docket Number 08-1085
Civil Docket Number 08-1207

PROPOSED ORDER

Upon a reading of the response and motion for miscellaneous relief of Scott L. Fenstermaker, Esq. in response to this Court's October 3, 2008 Order to Show Cause directing that Mr. Fenstermaker show cause why petition 08-cv-1085 should not be dismissed and requesting Orders of this Court (1) directing that a hearing be held to determine Petitioner's current desire for choice of counsel and (2) directing that Mr. Fenstermaker be provided access to Petitioner at Guantánamo Bay for an in-person, attorney-client conference and access to the legal mail system, the Court hereby

ORDERS that a hearing be held at this Court on October/November ____, 2008 at which testimony can be taken from Petitioner in-person/via videoconference/via teleconference to learn Petitioner's current desire for his choice of counsel and at which Mr. Fenstermaker can question both Petitioner and personnel in personal contact with him to learn the circumstances under which Petitioner arrived at his choice and the circumstances under which he is being, and has been held, and it is further

ORDERED that Mr. Fenstermaker be given immediate access to the legal mail system in place through which counsel can communicate with clients at Guantánamo Bay, and it is further

ORDERED that Mr. Fenstermaker be given immediate access to Petitioner by way of in-person attorney-client conferences at Guantánamo Bay in a manner consistent with those held by the Federal Defender for the District of Nevada with Petitioner.

October __, 2008

Thomas F. Hogan
United States District Judge