

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| _____ |) | |
| IN RE: |) | |
| |) | Misc. No. 08-442 (TFH) |
| GUANTANAMO BAY |) | |
| DETAINEE LITIGATION |) | Civil Action No. 08-1628 (PLF) |
| _____ |) | |

STATUS REPORT

Pursuant to this Court's October 15, 2008 Minute Order, undersigned counsel for the respondents states the following status of this case:

1) Mustafa Ahmed Hamlily, a citizen of Algeria, is the petitioner in this habeas corpus case. While detained by the Armed Forces of the United States at Guantanamo Bay, Cuba, petitioner was identified by Internment Serial Number 705.

2) Petitioner's counsel instituted this action on May 3, 2007, by filing in the United States Court of Appeals for the District of Columbia Circuit a "petition for immediate release and other relief under Detainee Treatment Act of 2005 and, in the alternative, for writ of habeas corpus." The petition was docketed at C.A. No. 07-1127. On September 18, 2008, the Court of Appeals issued an order dismissing without prejudice the claims under the Detainee Treatment Act and transferring the habeas portion of the petition to this Court. The Court of Appeals ordered the transfer "without prejudice to the district court's authority to determine whether it has jurisdiction to consider the habeas petition."

3) In May 2008, the petitioner was transferred to the control of the government of Algeria. Because the petitioner has been released from United States custody, the habeas petition is moot and should be dismissed. At a minimum, because petitioner is no longer in United States custody, this case should be re-docketed and proceed, if at all, under *In Re: Petitioners Seeking Habeas Corpus Relief In Relation To Prior Detentions At Guantanamo Bay*, Misc. No. 08-0444 (TFH).

4) It is unclear at this time whether the petitioner directly authorized this action. Pursuant to this Court's October 15, 2008 Minute Order, petitioner's counsel has until December 16, 2008 to produce either a signed authorization from the petitioner to pursue this action, or a declaration from counsel stating that the petitioner directly authorized this action and explaining why counsel was unable to secure a signed authorization.

Dated: October 22, 2008

Respectfully submitted,

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