

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAHMMOUD BIN ATEF)	
Guantanamo Bay, CUBA)	
Petitioner)	
)	
)	
v.)	1:08-cv-01232 (JR)
)	
)	
GEORGE W. BUSH, <i>et. al.</i>)	
Respondent)	

**AMENDED
PETITIONER'S MOTION TO EXTEND TIME
TO FILE AUTHORIZATION TO PROCEED**

Petitioner Bin Atef, by counsel, requests the court to clarify the time for filing Mr. Bin Atef's authorization to proceed. In support of this motion counsel states:

1. This court's order of August 8, 2008, appointed this federal defender office to represent the petitioner in a next friend habeas corpus petition filed on July 17, 2008, and undersigned counsel promptly entered an appearance on behalf of petitioner.

2. Judge Joyce Hens Green's Amended Protective Order of November 8, 2008, which was made applicable to Mr. Bin Atef's case by Judge Hogan's Order of July 29, 2008, requires counsel to "provide evidence of his or her authority to represent the detainee as soon as practicable and in any event no later than ten (10) days after the conclusion of a second visit with the detainee." Exhibit A, ¶ III, C, 2. However, Judge Hogan's Order of July 29, 2008, also included a requirement that counsel file the authorization to proceed within 90 days of the date of that order.
3. Counsel have worked as expeditious as possible to meet with Mr. Bin Atef and obtain his authorization to proceed. Upon appointment counsel promptly submitted an application for the security clearance necessary to visit Mr. Bin Atef at Guantanamo Bay, and an interim security clearance was received on October 23, 2008. Counsel have submitted a request to visit Mr. Bin Atef the first week of December 2008, and all other arrangements necessary to visit him have been made.

4. Terry M. Henry, counsel for the respondents, does not oppose this motion on the condition that the government is not required to file a factual return prior to you providing appropriate evidence that the detainees have authorized the habeas suits.

Counsel moves the court to confirm that the deadline for filing an authorization to proceed from Mr. Bin Atef is ten (10) days after counsel's second visit with Mr. Bin Atef.

Dated: October 28, 2008

/s/ William E. Marsh

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