

**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. 05-2387 (RMC)**

**PETITIONER JOBRAN SAAD AL-QUHTANI'S OPPOSITION  
TO RESPONDENTS' MOTION TO DISMISS "IMPROPER" RESPONDENTS AND  
JOINDER IN ARGUMENTS PRESENTED ON BEHALF OF OTHER PETITIONERS**

Petitioner Jobran Saad Al-Quhtani joins in the opposition brief filed today by the Center for Constitutional Rights on behalf of numerous other habeas petitioners, which addresses the merits of the government's motion to dismiss purportedly "improper" defendants from petitioners' cases. Petitioner additionally raises specific arguments in opposition presented herein. Petitioner asks the Court to see the government's motion to dismiss for what it is – a wholly unnecessary diversion of the Court's, the petitioner's, and the government's time and resources, and an improper belated attempt to further postpone meaningful resolution of petitioner's claims.

The motion is nothing but gamesmanship by the government. Not long ago, the government claimed to be stretched so thin that it could not comply with the Court's order to timely produce factual returns in the habeas cases. This Court was sympathetic to the government's supposed plight and excused the government's blatant disregard for the Court's authority. Only two months later, however, the government has come nowhere near completing its production of factual returns. Instead, the government wastes its supposedly precious attorney resources bringing this wholly unnecessary and baseless motion. Addressing the motion requires petitioner's and the Court's time and effort that should be expended in consideration of

the substance of petitioner's claims, rather than on silly procedural matters tangential to the true issues.

The government has had more than three years to make this motion if it truly believed the respondents were improperly named. Being so remarkably tardy, the motion can only be seen as a waste of time and a transparent delay attempt by the government – delaying its obligation to produce the required factual return, delaying its requirement to justify the six-year-plus unconstitutional detainment of Petitioner, and, in the larger sense, delaying its eventual day of reckoning on which it will be held accountable for cheapening the civil liberties at the heart of our democracy.

The Court should deny the government's motion without reaching the merits. If the Court feels it must consider the merits at this time, the motion should be summarily denied for the reasons set forth in the opposition filed by the Center for Constitutional Rights.

Respectfully submitted,

/s/ Rachael Clarke

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## CERTIFICATE OF SERVICE

I hereby certify that I today caused a true and accurate copy of Petitioner Jobran Saad Al-Quhtani's Opposition to Respondents' Motion to Dismiss "Improper" Respondents and Joinder in Arguments Presented on Behalf of Other Petitioners and Proposed Order to be served electronically via the Court's Electronic Case Filing System, which will send notifications of such filing to all counsel of record.

Dated: October 30, 2008

/s/ Theresa Rollins

Theresa Rollins