

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-0442 (TFH)

Civil Action No. 05-2386

ORDER

Pending before the Court is Petitioner's counsel's Motion For Leave To Submit Supplemental Declaration For *In Camera* Review (docket # 598, 05-cv-2386). Because the Supplemental Declaration of James A. Nickovich does not contain attorney-client privileged information,¹ the Court

ORDERS that the Motion is **DENIED**. The Court further

ORDERS that, by November 28, 2008, counsel for Petitioner Samir LNU, also known as Mohammed Noor Uthman, (ISN 707) shall comply with the Court's Order of July 29, 2008, by filing a signed authorization from Petitioner to pursue this action or a declaration by counsel that states that Petitioner directly authorized counsel to pursue the action and explains why counsel was unable to secure a signed authorization.

October 31, 2008

/s/
Thomas F. Hogan
United States District Judge

¹ At most, the declaration reveals information surrounding counsel's *attempted* communication with Petitioner; there is nothing in the declaration that reveals confidential communications between counsel and Petitioner. Therefore, the attorney-client privilege is inapplicable. *See In re Lindsey*, 158 F.3d 1263, 1267 (D.C. Cir. 1998) (per curiam) ("The attorney-client privilege protects confidential communications made between clients and their attorneys when the communications are for the purpose of securing legal advice or services.").