

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ABDUL HAMID AL-GHIZZAWI	)	
	)	
ABDAL RAZAK ALI	)	
Detainees,	)	
Guantanamo Bay Naval Station	)	
Guantanamo Bay, Cuba;	)	Misc. No. 08-442
	)	
<i>Petitioners,</i>	)	
	)	(05-cv-02378 JBB)
	)	
<i>v.</i>	)	(05-cv-2386 RBW)
	)	
GEORGE W. BUSH, <i>et al.</i> ,	)	
	)	
<i>Respondents.</i>	)	

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**OPPOSITION TO RESPONDENTS MOTION FOR EXCEPTION FROM  
SEQUENCING and REQUEST FOR RELIEF**

Now come the Petitioners Abdul Hamid Al-Ghizzawi and Abdal Razak Ali and responds to the Respondents' Motion for Exception from sequencing as follows:

In the latest filing of factual returns and amended returns the respondents ask this Court to once again allow it to do what they have already done. Hence, instead of filing the 50 factual returns ordered by this Court to be filed by October 31<sup>st</sup>, 2008, the government has decided to file 40 returns that comply with the Court's scheduling Order, and 10 that do not. The government seeks in return this courts retroactive

blessing of its disregard for the court order and asks for *nunc pro tunc* permission to withhold returns for ten men whose returns were due yesterday, for some indefinite period. One of the returns that Respondent failed to file yesterday, as required by this Court, relates to Petitioner Razak Ali. Counsel for Razak Ali is also counsel for Petitioner Al-Ghizzawi. Petitioner Al-Ghizzawi's amended return was apparently filed on time yesterday at the secure facility.

Counsel is a sole practitioner located in Chicago. Counsel, who pays all of the costs out of her own pocket would like to schedule one trip to Washington DC to view the returns for both of her clients instead of bearing the expense and inconvenience of flying next week to review documents for Al-Ghizzawi and then later in the month having to fly back to Washington to review documents for her client Razak Ali. Documents that the government, in its ongoing pattern of contempt for the rule of law, simply does not want to file. However, counsel does not want to prejudice Al-Ghizzawi's case by waiting to review his documents until such time as the government gets around to obeying this Court's order and files Razak Ali's papers. Counsel will be flying to Guantanamo on Wednesday November 5<sup>th</sup> to see her two clients and will not be able to go to the Washington, DC area until the evening of November 10<sup>th</sup>. Counsel has asked the government to agree to provide Razak Ali's Return at the secure facility by November 10<sup>th</sup> and to agree to counsel's request to this court for an additional five days to review Petitioner Al-Ghizzawi's return and file any motions related to that return. Due to a previously scheduled trip overseas it is imperative that counsel review the documents during the week of November 10<sup>th</sup>. The

government agreed not to challenge counsel's request for an additional five days to file a response for Al-Ghizzawi to the governments motion to amend his return, however they are not in agreement to file Razak Ali's return by November 10<sup>th</sup>.

Wherefore Petitioners Al-Ghizzawi and Razak Ali ask this court to deny the Governments tardily filed Request for Exception from Sequencing in so far as it relates to Razak Ali and to Order the Government to file a return for Razak Ali no later than November 10, 2008. In addition counsel respectfully requests an extension of five days for filing a response (if any) to the government Motion to file an Amended Return for Al-Ghizzawi. In the alternative, if the Government is ultimately not going to file its return in time for counsel's upcoming trip to Washington, petitioner requests that the Government be required either to make the return available to counsel at a secure facility in the Chicago area, or in the alternative, that the government pay for a second trip by counsel to Washington, DC, insofar as the government's own failure to comply with this Court's order would be what necessitated such a second trip.

Respectfully submitted,

\_\_\_\_\_  
/s/ H. Candace Gorman

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# EXHIBIT

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PROPOSED ORDER

Respondents October 31<sup>st</sup> 2008 Request for Exception from Sequencing is denied in relation to Petitioner Razak Ali. Respondents to file a Return for Ali no later than November 10, 2008. Petitioner Al-Ghizzawi is granted an extension of five days to Respond to the governments motion to file an amended return.

So Ordered.

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Thomas F. Hogan  
U.S. District Judge

Dated this \_\_\_\_ day of November, 2008.

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2008 I caused the foregoing Opposition of Petitioners Abdul Hamid Al-Ghizzawi and Abdal Razak Ali to be filed on the ECF system, for delivery to the below-listed counsel of record in the above-captioned matters:

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United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, D.C. 20530

Terry Marcus Henry  
United States Department of Justice  
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Respectfully submitted,

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