

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)	
)	
GUANTANAMO BAY)	Misc. No. 08-442-(TFH)
DETAINEE LITIGATION)	
)	
AL HALMANDY, <i>et al.</i>)	
)	Civil Action No. 05-CV-2385 (RMU)
Petitioner,)	
)	
v.)	
)	
BUSH, <i>et al.</i> ,)	
)	
Respondents.)	
)	

STATUS REPORT

Petitioner Houmad Warzly, also known as Hamoud Abdullah Hamoud Hassan Al Wady, ISN 574, by undersigned counsel (hereinafter “counsel”), respectfully submits the following status report.

1. On November 3, 2008, counsel filed a Request for Approval of Substitution of Counsel, in which they (1) noted that they had been appointed in another Guantánamo Bay detainee case entitled *Hamoud Abdullah Hamoud Hassan Al Wady v. Bush*, 08-CV-1237 (RMC); (2) informed the court that both the government and the Center for Constitutional Rights, which filed the joint petition in this case, had informed counsel that petitioner Houmad Warzly in this case and the petitioner in the *Al Wady* case were the same person; and (3) based on that information, counsel believed it was appropriate that they be appointed to represent petitioner Warzly in this case. Counsel have not yet received a formal order approving the Request for Approval of Substitution of Counsel, but are now reflected as counsel for petitioner Warzly on

the docket sheet and so are filing this status report.

2. Though a return to the petition in this case has not yet been filed, a return was filed by the government in the *Al Wady* case on October 31, 2008. The return was filed only in classified form at the secured facility where classified materials for the Guantánamo Bay detainee cases are kept, and defense counsel, who are based in Los Angeles, have not yet traveled to the secured facility to review the classified return, in part because of scheduling conflicts and difficulties and in part because counsel wish to combine travel to Washington, D.C. to review the return with a trip they have planned to visit Mr. Al Wady, which is discussed further below. A general Case Management Order filed by United States District Judge Hogan on November 6, 2008 requires the government to file an unclassified redacted version of the return by November 20, 2008.

3. Defense counsel have not yet been able to meet with Mr. Al Wady and are presently scheduled to travel to Guantánamo Bay to meet with him during the week of December 1, 2008. Counsel have not been able to travel to Guantánamo Bay to meet with Mr. Al Wady prior to this because (1) the Federal Public Defender was only appointed on August 8, 2008 and counsel, despite diligent efforts, were not able to obtain the required security clearances until they were granted interim security clearances on approximately October 21, 2008, and (2) attorneys are required to give at least four weeks notice before being allowed to travel to meet with clients at the Guantánamo Bay detention facility.

4. Counsel agree that one of the Warzly/Al Wady petitions should be dismissed if petitioner Warzly and petitioner Al Wady are in fact the same person, counsel agree that it appears they are the same person. However, counsel would like to wait until they have met with Mr. Al Wady in person, both because they would like to confirm the identity question with him

