

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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NASSER AL-AULAQI, on his own behalf and as next	)	)
friend acting on behalf of ANWAR AL-AULAQI	)	)
	)	)
Plaintiff,	)	Civ. A. No. 10-cv-1469 (JDB)
	)	)
v.	)	)
	)	)
BARACK H. OBAMA, President of the United States;	)	)
ROBERT M. GATES, Secretary of Defense; LEON E.	)	)
PANETTA, Director of the Central Intelligence Agency,	)	)
	)	)
Defendants.	)	)
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**DEFENDANTS’ MOTION FOR LEAVE TO FILE OUT OF TIME**

Defendants, through their undersigned counsel, respectfully request leave to file out of time Defendants’ Opposition to Plaintiff’s Motion for a Preliminary Injunction and Motion to Dismiss this action. In support of this requested leave, the undersigned counsel for Defendants states as follows:

Defendants’ Opposition to Plaintiff’s Motion for a Preliminary Injunction was due on September 24, 2010. Due to the length of the brief (60 pages), and the fact that inter-agency deliberations on the brief extended into the late afternoon of September 24, 2010, and the fact that counsels’ Department of Justice computer system functioned slowly and with frequent interruptions during the evening of September 24, 2010, counsel was not able to complete the filing until the early morning hours of September 25, 2010. On the afternoon of September 24, 2010, Defendants did lodge in a timely fashion with Court Security Officers three classified declarations that accompany its filing. Defendants regret any inconvenience this delayed filing has caused the Court or the plaintiff’s counsel and would not oppose an extension of the

plaintiffs' reply date if requested by plaintiff.

Date: September 25, 2010

Respectfully Submitted,

TONY WEST  
Assistant Attorney General, Civil Division

RONALD C. MACHEN, Jr.  
United States Attorney

IAN HEATH GERSHENGORN  
Deputy Assistant Attorney General

DOUGLAS LETTER  
Terrorism Litigation Counsel

JOSEPH H. HUNT  
Director, Federal Programs Branch

VINCENT M. GARVEY  
Deputy Director, Federal Programs Branch

/s/ Anthony J. Coppolino  
ANTHONY J. COPPOLINO  
Special Litigation Counsel, Federal Programs Branch

/s/ Peter D. Leary  
PETER D. LEARY  
Trial Attorney, Federal Programs Branch  
U.S. Department of Justice, Civil Division  
20 Massachusetts Ave., NW  
Washington, D.C. 20001  
(202) 514-3313