

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAWZI KHALID ABDULLAH FAHAD
AL ODAH, *et al.*

Plaintiffs,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

Civil Action No. 02-CV-0828 (CKK)

**SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS-
PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR
LEAVE TO FILE SECOND AMENDED COMPLAINT**

Respondents hereby move for an extension of time until April 4, 2005, in which to respond to plaintiffs-petitioners' Motion For A Preliminary Injunction And Provisional Motion To Modify Stay Pending Appeal, and Motion For Leave To File Second Amended Complaint.

In support of this motion, respondents submit the following:

1. On March 11, 2005, plaintiffs-petitioners filed two motions with the Court Security Officers for Guantanamo Bay ("GTMO") habeas litigation. First, plaintiffs-petitioners filed a Motion For A Preliminary Injunction And Provisional Motion To Modify Stay Pending Appeal (dkt. no. 215). In this motion, plaintiffs raise multiple claims regarding the conditions of confinement at GTMO, including, inter alia, challenges to the size and lighting of the detainees' cells, the reading materials available to detainees, the exercise opportunities available to the detainees, and the adequacy of medical and dental care. Second, plaintiffs-petitioners filed a Motion For Leave To File Second Amended Complaint (dkt. no. 216), in which they seek

authorization to file a Second Amended Complaint containing new legal claims challenging the conditions of confinement at GTMO.

2. Pursuant to the Local Rules of the Court, respondents' opposition to the Motion For Preliminary Injunction was due to be filed Friday, March 18, 2005, while respondents' opposition to the Motion For Leave To File Second Amended Complaint was due to be filed Friday, March 25, 2005. In light of the close relationship between the two motions, respondents previously sought a modest extension – until March 30, 2005 – in which to respond to both motions. That request for extension was unopposed, and the Court granted it by Minute Order on March 28, 2005.

3. Respondents now seek an additional extension of a few extra days in order to complete their response to plaintiffs-petitioners' motions. This extension of three business days is sought, and warranted, in this matter due to the breadth and significance of the claims raised in plaintiffs-petitioners' motions. Thus far, the litigation in this case has focused on the legality of plaintiffs-petitioners' confinement. The preliminary injunction motion and motion for leave to file a second amended complaint seek to open up a significant new area in the GTMO habeas litigation, specifically the lawfulness of the conditions of plaintiffs-petitioners' confinement. These claims raise a multitude of new, serious issues, and the relief sought by plaintiffs-petitioners has the potential to impact almost every aspect of the detention operations at GTMO. Respondents have been working diligently to address these issues appropriately, but some additional time is needed in order to complete the response to the motions.

4. The core factual information relied upon by plaintiffs-petitioners' counsel in the preliminary injunction motion was available to them for six weeks prior to the filing of the

motion. See Memorandum in Support of Motion for Preliminary Injunction., Exhibits A-F (declarations dated January 28-29, 2005). Thus, no true emergency exists that would warrant denial of the requested extension.

5. An extension of time would also be warranted in light of the fact that respondents' counsel have been responsible for addressing and otherwise responding to, *inter alia*, the numerous motions for temporary restraining orders and preliminary injunctions that have been filed before the various Judges of this Court in the GTMO litigation in recent days. As the Court is likely aware, petitioners in roughly twenty of the pending detainee habeas cases filed motions for emergency relief within the last two weeks seeking injunctions that would require respondents to provide petitioners' counsel with notice of any potential transfer of petitioners from Guantanamo Bay. Respondents' counsel have been actively addressing these serious matters over the last week, and further oppositions and hearings on the matter are scheduled for both this week and next.

6. Respondents' counsel has conferred with counsel for plaintiffs-petitioners, who opposes the requested extension. Plaintiffs-petitioners' counsel asked that we inform the Court, however, that they do not plan to file a written opposition to this motion for extension.

7. For these reasons, respondents respectfully request that the Court extend until April 4, 2005 the time period during which respondents may respond to plaintiffs-petitioners' Motion For A Preliminary Injunction And Provisional Motion To Modify Stay Pending Appeal, and Motion For Leave To File Second Amended Complaint.

A proposed order is attached.

Dated: March 30, 2005

Respectfully submitted,

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