

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID M. HICKS,)	
)	
Petitioner,)	
)	
v.)	
)	
GEORGE W. BUSH, President of the United)	Civ. Act. No. 1:02-cv-00299-CKK
States; DONALD RUMSFELD, United States)	
Secretary of Defense; GORDON R. ENGLAND,)	
Secretary of the United States Navy; JOHN D.)	
ALTENBURG, JR., Appointing Authority for)	
Military Commissions, Department of Defense;)	
Brigadier General JAY HOOD, Commander,)	
Joint Task Force, Guantanamo Bay, Cuba, and)	
Colonel BRICE A. GYURISKO, Joint Detention)	
Operations Group, Joint Task, Guantanamo Bay,)	
Cuba)	
)	
Respondents, all sued in their)	
individual and official capacities..)	

**PETITIONER DAVID M. HICKS' MOTION FOR LEAVE TO FILE
HIS SECOND AMENDED PETITION FOR WRIT OF HABEAS CORPUS
AND FOR INJUNCTIVE AND OTHER RELIEF**

Petitioner David M. Hicks ("Hicks"), by his attorneys, respectfully requests that this Court enter an order granting him leave to file his second amended petition for writ of habeas corpus. In support of this motion, Hicks states as follows:

1. Hicks is currently incarcerated at Camp Echo, United States Naval Station, Guantanamo Bay, Cuba. He has been unlawfully detained at the direction of the Respondents for over two and a half years.

2. During the period of his incarceration, on February 19, 2002, Hicks filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241. Subsequently, on March 18, 2002, Hicks amended his petition. Because of the procedural posture and the subsequent

Supreme Court proceedings, the petition and amended petition were never answered by the Respondents.

3. Hicks's earlier petitions centered around the fact that the basis for his detention by the Respondents was not clear. However, on June 25, 2004, the Respondents approved purported war crime charges against him. Pursuant to Presidential order, they now seek to subject him to trial before a military commission. In the wake of recent Supreme Court decisions, the Respondents have also hastily created a Combatant Status Review Tribunal ("CSRT") to make determinations as to whether Hicks and others were enemy combatants.

4. As fully detailed in his second amended petition, Hicks seeks leave to amend his petition to challenge numerous unlawful aspects of his continued detention by Respondents to stand trial by military commission, including the validity of the charges levied against him and the deficient procedures by which they seek to try him. He also challenges the neutrality and sufficiency of the CSRT.

5. Now that the Respondents have issued purported charges against Hicks and his purported trial before the military commission is imminent, it is appropriate for the Respondents to answer the Hicks's petition. The Respondents cannot argue credibly that they need more time to answer Hicks's petition to develop the factual basis for his detention. The Respondents should be directed to answer Hicks's second amended habeas petition as provided in 28 U.S.C. §2243.

WHEREFORE, Mr. Hicks respectfully requests that the Court enter an Order:

- A. Granting him leave to file his second amended petition for habeas corpus;
- B. Directing the Respondents to answer or otherwise plead pursuant to the rules of 28 U.S.C. §2243; and
- B. Granting such other relief as may be equitable and just.

Dated: August 31, 2004

Respectfully submitted,
David M. Hicks

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