

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

DAVID M. HICKS,

Petitioner,

v.

Civ. Act. No. 1:02-cv-00299-CKK

GEORGE W. BUSH, President of the United
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, Commander, Joint
Detention Operations Group, Joint Task,
Guantanamo Bay, Cuba

Respondents, all sued in their
individual and official capacities.

**PETITIONER'S AGREED MOTION FOR EXTENSION
OF TIME TO REPLY TO RESPONDENTS' RESPONSE**

Pursuant to Federal Rule of Civil Procedure 6(b), Petitioner David M. Hicks, by his attorneys, respectfully files this consensual request that this Court grant him a ten-day extension to reply to Respondents' Response and Motion to Dismiss or for Judgment as a Matter of Law with Respect to Challenges to the Military Commission Process Contained in Petitioner's Second Amended Petition for Writ of Habeas Corpus Complaint for Injunctive, Declaratory, and Other Relief ("Response"). In support of his motion, Hicks states as follows:

1. David M. Hicks is an Australian national who has been unlawfully detained by Respondents at United States Naval Station Guantanamo Bay, Cuba ("Guantanamo Bay"), for nearly three years. On February 19, 2002, while in the custody of Respondents at Guantanamo Bay, Hicks

filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Subsequently, on March 18, 2002, Hicks filed his First Amended Petition.

2. On September 20, 2004, this Court entered a scheduling order in this case, requiring Respondents to file responsive pleadings on October 4, 2004, and Petitioners to file any reply by October 12, 2004.

3. On September 28, 2004, this Court granted Hicks leave to file his Second Amended Petition. On September 29, 2004, Respondents filed a motion requesting a ten-day extension to file their response on the military commission issues in this case, a motion to which Petitioner consented. This Court granted Respondents' motion for extension, ordering Respondents to file responsive pleadings no later than October 14, 2004, and Petitioner Hicks to file his reply no later than October 22, 2004.

4. On October 14, 2004, Respondents filed their Response, which is forty-five pages long and raises complex and detailed legal issues.

5. Concurrent with drafting and filing his reply to Respondents' Response and Motion to Dismiss, Hicks anticipates drafting and filing a cross-motion for partial summary judgment.

6. Mindful of the need for expeditious resolution of the military commission issues in this case, having already been detained for an extraordinary amount of time, Hicks respectfully makes this request of a 10 day extension (6 business days) to ensure the careful and orderly preparation of his reply brief and anticipated cross-motion for partial summary judgment.

7. Respondents have agreed to Hicks' request for an extension.

8. Respondents will not be prejudiced by this Court granting Hicks a ten-day extension of the time to file his reply in that: (1) this Court previously granted Respondents a ten-day extension to file their Response; and (2) this Court has already ordered extensions of time with

respect to the coordinated response to the motion to dismiss regarding CSRT issues of well over 10 days.

9. Petitioner Hicks does not anticipate any further extension of this schedule.

WHEREFORE, Mr. Hicks respectfully requests that this Court enter an order granting Petitioner Hicks a ten day extension of time to file his reply brief until November 1, 2004.

Dated: October 19, 2004

Respectfully submitted,
David M. Hicks

Marc A. Goldman, Esq.
District Bar No. 449230
Jenner & Block LLP
601 13th St. N.W.
Suite 1200 South
Washington, D.C. 20005-3823
(202) 639-6095

By: _____
One of His Attorneys

Andrew A. Jacobson
David E. Walters
Hillary A. Victor
Andrew W. Vail
pro hac vice
Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611
(312) 222-9350

Joshua L. Dratel, Esq.
Joshua L. Dratel, P.C.
Civilian Defense Counsel
pro hac vice
14 Wall Street, 28th Floor
New York, New York 10005
(212) 732-0707
Attorney Registration No. 1795954
Attorneys for Petitioner David M. Hicks

Leon Friedman, Esq.
District Bar No. NY0028
148 East 78th Street
New York, New York 10021
(212) 737-0400

Major Michel D. Mori, U.S. Marine Corps

pro hac vice

Office of Military Commissions

Office of the Chief Defense Counsel

1931 Jefferson Davis Highway, Suite 103

Arlington, Virginia 22202

(703) 607-1521, ext. 193

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ORDER

Having considered Petitioner's Agreed Motion for Extension of Time to Reply to
Respondents' Response, it is hereby

ORDERED that Petitioner's Motion is GRANTED. Petitioner shall file and serve his
reply to the Respondent's Response and on or before November 1, 2004.

Dated: _____

JOYCE HENS GREEN
United States District Judge