

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

DAVID M. HICKS,

Petitioner,

v.

GEORGE W. BUSH,

President of the United States,

*et al.*,

Respondents.

---

Civil Action No. 02-CV-0299 (CKK)

FAWZI KHALID ABDULLAH FAHAD

AL ODAH, *et al.*

Plaintiffs,

v.

UNITED STATES OF AMERICA,

*et al.*,

Defendants.

---

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

MAMDOUH HABIB, *et al.*

Petitioners,

v.

GEORGE WALKER BUSH,

President of the United States,

*et al.*,

Respondents.

---

Civil Action No. 02-CV-1130 (CKK)

	)	
MURAT KURNAZ, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1135 (ESH)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
	)	
O.K., <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1136 (JDB)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
	)	
MOAZZAM BEGG, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1137 (RMC)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

	)	
MOURAD BENCHELLALI, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1142 (RJL)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
JAMIL EL-BANNA, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1144 (RWR)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
FALEN GHEREBI, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1164 (RBW)
	)	
GEORGE WALKER BUSH,	)	
	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

	)	
LAKHDAR BOUMEDIENE, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1166 (RJL)
	)	
GEORGE WALKER BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
	)	
SUHAIL ABDUL ANAM, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1194 (HHK)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	
	)	
ISA ALI ABDULLA ALMURBATI, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1227 (RBW)
	)	
GEORGE WALKER BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

MAHMOAD ABDAAH, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1254 (HHK)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
<hr/>		
SALIM AHMED HAMDAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04-CV-1510 (JR)
	)	
DONALD RUMSFELD,	)	
Secretary of Defense, <i>et al.</i> ,	)	
	)	
Respondents.	)	
<hr/>		

**RESPONDENTS' MOTION FOR LEAVE TO SUBMIT  
RESPONSIVE FILINGS OF UP TO 75 PAGES**

The Court's September 20, 2004, Coordination Order Setting Filing Schedule and Directing the Filing of Correspondence Previously Submitted to the Court (the "September 20, 2004, Order") requires respondents to file, by October 4, 2004, responsive pleadings showing cause why writs of habeas corpus and the relief sought by petitioners should not be granted. Respondents hereby move the Court to allow the responsive filings in accordance with the September 20, 2004, Order to be up to 75 pages in length. As set forth below, counsel for petitioners in the majority of cases have indicated that they do not oppose the relief sought in this

motion, provided that respondents agree not to object to any similar page extension, and/or time extension, that petitioners may seek for their reply briefs, a condition that respondents find acceptable. In support of this motion, respondents state as follows:

1. These fourteen coordinated cases have been brought by enemy combatant detainees at Guantanamo Bay, Cuba, who challenge the legality of their detention. Pursuant to an Order of the Calendar and Case Management Committee dated August 17, 2004, as well as the September 15, 2004, Resolution of the Executive Session, Senior Judge Joyce Hens Green has been designated to coordinate and manage all proceedings in these matters and, to the extent possible, to rule on common procedural and certain common substantive issues.

2. The Court, per Judge Green, has issued the September 20, 2004, Order, which provides, inter alia, that respondents shall file with the Court and serve on petitioners' counsel in all coordinated cases on or before October 4, 2004, responsive pleadings showing cause why writs of habeas corpus and the relief sought by petitioners should not be granted.

3. Pursuant to the September 20, 2004, Order, respondents anticipate making, on or before October 4, 2004, responsive filings that will present the legal grounds why writs of habeas corpus should not issue in any of these cases, and why any additional relief sought by petitioners should not be granted. These responsive filings are separate from and additional to the individualized factual returns that respondents are presently filing and will continue to file on a rolling basis through the week of October 18, 2004.<sup>1</sup>

---

<sup>1</sup> The Government also plans to file, on or about October 4, 2004, separate motions to dismiss on behalf of the individual respondents/defendants in the subset of cases where petitioners seek to have the Court hold Military and Government officials personally liable. No page extension is sought for these separate motions to dismiss on behalf of the individual respondents/defendants.

4. Local Civil Rule 7(e) sets a default page limitation of 45 pages on a memorandum of points and authorities in support of or in opposition to a motion.

5. These cases, and petitioners' various claims, raise a host of novel and complex legal issues, many of them of first impression. For instance, the 63 petitioners in these 14 cases purport to bring claims under, inter alia, the Fifth Amendment, the Sixth Amendment, the Eighth Amendment, the Fourteenth Amendment, the War Powers Clause, the Suspension Clause, the Administrative Procedures Act, the Alien Tort Statute, the Geneva Conventions, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, and certain military regulations. The issues arising under these provisions require extended analysis and treatment. Furthermore, these cases have profound public importance.

6. To the extent that the page limitation under Local Civil Rule 7(e) applies to the responsive filings called for by the September 20, 2004, Order, respondents request that the Court grant an extension to allow those filings to be up to 75 pages in length. Such an extension will promote full and complete briefing of relevant matters and will aid the Court by elucidating common issues in these coordinated cases.

7. Counsel for respondents conferred with counsel for petitioners in each of the cases by electronic mail and/or telephone regarding whether petitioners will oppose the relief sought in this motion. Counsel for petitioners in eleven of the fourteen cases<sup>2</sup> have indicated either that they would not oppose the relief sought in this motion, or that they would not oppose the relief sought in this motion provided that respondents agree not to oppose any reasonable time

---

<sup>2</sup> Abdah, Almurbati, Anam, El-Banna, Begg, Boumediene, Gherebi, Habib, O.K., Kurnaz, and Al Odah.

extension and/or page extension that petitioners may seek for their reply briefs, which condition is acceptable to respondents.<sup>3</sup>

WHEREFORE, respondents respectfully request that the Court permit respondents' responsive filings under the Court's September 20, 2004, Order to be up to 75 pages in length.

Dated: September 28, 2004

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

KENNETH L. WAINSTEIN  
United States Attorney

BRIAN D. BOYLE  
Principal Deputy Associate Attorney General

DAVID B. SALMONS  
Assistant to the Solicitor General

DOUGLAS N. LETTER  
Terrorism Litigation Counsel

ROBERT D. OKUN  
Chief, Special Proceedings Section

/S/ Terry M. Henry  
JOSEPH H. HUNT (D.C. Bar No. 431134)  
VINCENT M. GARVEY (D.C. Bar No. 127191)  
TERRY M. HENRY  
PREEYA M. NORONHA  
ROBERT J. KATERBERG  
Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch

---

<sup>3</sup> Counsel for petitioner in Benchellali have indicated that they are not in a position to consent to this motion. Counsel for petitioner in Hamdan have indicated in a separate line of communications that they object to respondents making any responsive filing in that case under the September 20, 2004, Order. Respondents did not hear back from counsel for petitioner in Hicks in time for their position to be reflected in this motion.



20 Massachusetts Ave., N.W. Room 7144  
Washington, DC 20530  
Tel: (202) 514-4107  
Fax: (202) 616-8470  
Attorneys for Respondents