

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

ZAYN AL ABIDIN MUHAMMAD HUSAYN,)	
)	
Petitioner)	
)	
v.)	Civil Action No. 08-cv-1360 (EGS)
)	
ASHTON CARTER,)	
)	
Respondent)	

**RESPONDENT’S RESPONSE TO PETITIONER’S MOTION FOR STATUS
CONFERENCE**

PRELIMINARY STATEMENT

The Government does not object to Petitioner’s request for a status conference. But in light of the nature of prior proceedings and the number and scope of pending motions in the case, it may be helpful for both the preparation of the parties and the efficient use of the Court’s time if the agenda for the conference is clearly defined in advance. For example, the Government notes that if either party desires to raise any new issues or requests for relief, including scheduling proposals, for the first time, those would best be presented to the Court by advance written motion, so that the parties have the opportunity to confer in accordance with Local Civil Rule 7(m) and potentially narrow any areas of dispute. Additionally, establishing an agenda for the status conference in advance also would help the parties and the Court anticipate whether it will be necessary to discuss classified information and thus whether the Government might wish to make a request for partial closure of the proceedings.

GOVERNMENT’S STATEMENT REGARDING THE STATUS OF THE CASE

For the Court’s convenience, the Government submits the following brief synopsis of the current state of this case:

I. Nature of the case

This is a habeas corpus action in which Petitioner Zayn Al Abidin Muhammad Husayn (Abu Zubaydah) challenges his detention at Guantanamo Bay.

II. Standing orders

The case is currently governed by two standing orders governing procedure: (1) a Protective Order for Habeas Cases Involving Top Secret/Sensitive Compartmented Information and Procedures for Counsel Access to Detainees, ECF Nos. 77, 78, 195, originally entered by the Court on January 7, 2009, and later amended, governs classified information and counsel access to the detainee; and (2) a Case Management Order, ECF Nos. 48, 62, originally entered November 6, 2008, and later amended, also governs proceedings in the case.

III. Prior merits proceedings in the case

Petitioner filed his Amended Petition for Writ of Habeas Corpus on August 25, 2008. The Government filed its factual return setting forth the basis for Petitioner's detention on April 3, 2009. The filing of Petitioner's traverse and further merits proceedings are stayed pending resolution of Petitioner's Motion for Discovery (Sept. 14, 2009) pursuant to a Scheduling Order, ECF No. 167, entered by the Court at the parties' joint request on May 22, 2009.

IV. Pending motions

Approximately 20 ancillary motions are pending before the Court and are listed in Attachment 1 to this filing for ease of reference.

The Government believes that five of these motions can appropriately be denied as moot: Item no. 1 on the list (Petitioner's Motion for Legible Copies of Documents Relied on by Government) was resolved in 2009 when the Government voluntarily provided the relief requested by the Petitioner. Item nos. 2, 13, and 16 are duplicative of the present motion for a

status conference. Item no. 19 requests the recusal of then-Chief Judge Roberts, who is no longer assigned to this case.

The remaining motions are fully briefed, and the Government believes they can be resolved by the Court based on the briefing previously submitted. (If Petitioner wishes to withdraw any pending motion, seek leave to amend any pending motion, or request a hearing on any pending motion, he should do so through an appropriate written filing.)

CONCLUSION

As explained above, the Government does not object to Petitioner's request for a status conference.

Date: April 18, 2016

Respectfully submitted,

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Civil Action No. 08-cv-1360 (EGS)

Attachment 1
List of Motions Currently Pending

List of Motions Pending in *Husayn v. Carter*, No. 08-cv-1360 (EGS)
 April 18, 2016

	Date Filed	Caption
1	Apr. 22, 2009	[Petitioner's] Motion for Legible Copies of Documents Relied on by Government
2	June 5, 2009	[Petitioner's] Motion for Status Conference
3	June 9, 2009	[Petitioner's] Emergency Motion to Produce CIA Medical Records and Allow In Person Medical Evaluation (overlaps with No. 5 below)
4	June 30, 2009	Motion filed by the Government under seal (partly withdrawn as described in Government's sealed filing of April 4, 2011)
5	Sept. 14, 2009	Petitioner's Motion for Discovery (overlaps with No. 3 above and partly resolved by the Court's Memorandum Order (Oct. 1, 2009))
6	Sept. 21, 2009	Petitioner's Motion for Sanctions for the Spoliation of Evidence (overlaps with No. 10 below)
7	Nov. 30, 2009	Respondent's Motion for Partial Reconsideration of Court's Memorandum Order Compelling Disclosure of Documents in Unredacted Form
8	Jan. 22, 2010	Petitioner's Motion for Access to Respondent's Ex Parte Filings or in the Alternative for Respondent's Ex Parte Filings to Be Stricken
9	Apr. 20, 2010	Petitioner's Motion for an Order Prohibiting the Government from Obstructing Petitioner's Investigation
10	June 28, 2010	[Petitioner's] Motion to Supplement Motion for Sanctions for Spoliation of Evidence (overlaps with No. 6 above)
11	June 28, 2010	[Petitioner's] Motion for Amendment of Preservation Order
12	June 28, 2010	Petitioner's Motion to Prohibit the Arbitrary and Capricious Obstruction of Counsel Who Have Already Been Approved for Access to TS/SCI Information from Being Read into the Program
13	Oct. 5, 2010	Petitioner's Motion for a Status Conference
14	June 21, 2011	Respondent's Notice Regarding Production of Medical Records and Other Documents and Motion for Clarification and Partial Reconsideration of Orders Requiring Production of Medical Records and Other Documents
15	Jan. 13, 2012	Petitioner's Motion for Sanctions Due to Respondent's Improper Seizure and Review of Documents
16	Jan. 17, 2012	Petitioner's Renewed Motion and Memorandum in Support of Request for Status Conference
17	Jan. 17, 2012	Petitioner's Motion in Support of Order to Show Cause Why the Government and DOD Should Not Be Held in Contempt and Request for Clarification
18	Jan. 30, 2012	Respondent's Motion to Deem Protected Information Highlighted in Proposed Public Factual Return
19	Feb. 5, 2015	Petitioner's Motion to Recuse Judge Roberts
20	Apr. 14, 2016	Petitioner's Motion for Status Conference