

Executive, and in violation of the Constitution, laws, and treaties of the United States. Accordingly, this Court should issue a writ of habeas corpus.

PARTIES

1. Petitioner Obaydullah (“Petitioner” or “Obaydullah”) has been designated by the Government as ISN 762. In January 29, 2008, Petitioner filed a Petition for Relief Under Detainee Treatment Act of 2005 in the United States Court of Appeals for the District of Columbia, an action that remains pending as No. 08-1043.

2. A copy of the written next friend authorization for Petitioner, which was executed on December 13, 2006, is attached hereto as Exhibit 1.

3. Respondent George W. Bush is the President of the United States. He is sued solely in that capacity. As President and Commander-in-Chief of the United States Armed Forces, he is ultimately responsible for Obaydullah’s detention.

4. Respondent Robert M. Gates is Secretary of the Department of Defense for the United States, and he is sued solely in that capacity. He has been charged with responsibility for maintaining the custody and control of Petitioner.

JURISDICTION

5. Petitioner brings this action under 28 U.S.C. §§ 2241(c)(1) and (3), 2242, and 1331, and invokes this Court’s jurisdiction under 28 U.S.C. §§ 1331,

1651, 2201, and 2202, and Articles I, II, and III of, and the Fifth, Sixth, and Eighth Amendments to the United States Constitution.

6. Pursuant to the recent decision by the United States Supreme Court in *Boumediene v. Bush*, ___ U.S. ___, (No. 06-1195, Decided June 12, 2008), prisoners at Guantánamo, like Petitioner, have the right to petition this Court for a writ of habeas corpus.

STATEMENT OF FACTS

7. This petition is prepared on unclassified information. The Government has yet to disclose any classified information or to provide records of the Combatant Status Review Tribunal (“CSRT”) proceeding or any Administrative Review Board (“ARB”) proceedings involving Petitioner.

8. Petitioner was seized in July, 2002, and taken by the Government to Bagram air force base in Afghanistan, before he was moved to Guantánamo . Thus, he has been in custody for 6 years.

10. Petitioner has been accused of working with Al Qaeda and being a member of the Taliban. Petitioner denies all of these accusations.

11. Petitioner has never been a member of or supported Al Qaeda in any way. He has never been a member of or supported the Taliban in any way. He has wrongly and falsely been designated an “enemy combatant.” He is a civilian.

12. Petitioner has never committed any violent act against any American person or property.

13. Petitioner has not been charged with any offense. He has never been notified of the alleged evidence that serves as the basis for his detention.

14. Petitioner has been subjected to harsh and illegal interrogation by the Government while in Afghanistan and while at Bagram air force base. Alleged “evidence” from Petitioner or from other prisoners gathered as a result of torture or other illegal interrogation has no value and should not be considered.

15. Petitioner has not enjoyed the protections of the Geneva Conventions and customary international law.

FIRST CLAIM

16. Petitioner’s seizure and detention at Guantánamo exceeds the Executive’s authority under, and is in violation of, the U.S. Constitution.

17. Petitioner is entitled to a writ of habeas corpus, requiring the Government to release him. Petitioner seeks such other declaratory and injunctive relief as may be necessary to secure this relief.

SECOND CLAIM

18. By seizing, detaining, and harshly interrogating Petitioner, Respondents have acted and continue to act in violation of the Geneva

Conventions, other treaties ratified by the United States, and customary international law.

19. Petitioner seeks all appropriate declaratory and injunctive relief to prevent further violations of international law and to guarantee that Petitioner will be treated humanely.

OTHER RELIEF SOUGHT

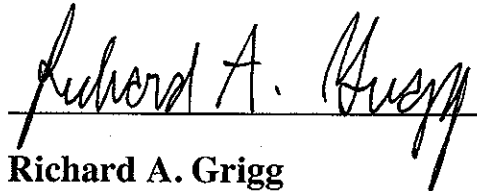
20. Petitioner seeks an immediate order from the Court requiring Respondents to promptly provide a factual return, setting forth in detail all reasons why Petitioner was and continues to be detained.

21. Petitioner further seeks an order requiring Respondents to provide Petitioner's counsel with 30 days notice of any transfer of Petitioner from Guantánamo to any other place.

Therefore, Petitioner Obaydullah prays that this Court issue a writ of habeas corpus, requiring Respondents to release him forthwith, and that the Court award such other and further relief, both legal and equitable, to which he may be justly entitled.

Dated: July 3, 2008
Austin, Texas

Respectfully submitted,



Richard A. Grigg
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SPIVEY & GRIGG, L.L.P.
48 East Avenue
Austin, Texas 78701
Tel: (512) 474-6061
Fax: (512) 474-1605

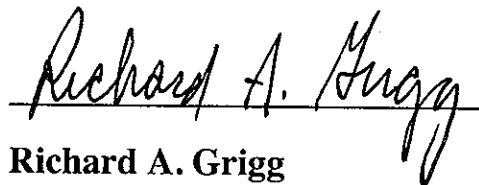
Gitanjali S. Gutierrez [Bar No. 51177]
Shayana D. Kadidal [Bar No. 49512]
J. Wells Dixon [Bar No. 51138]
Pardiss Kebriaei [Bar No. 51395]
CENTER FOR CONSTITUTIONAL
RIGHTS
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6485
Fax: (212) 614-6499

Attorneys for Petitioners

CERTIFICATION OF REPRESENTATION WITHOUT COMPENSATION

Above-Named Counsel for Petitioner certify, pursuant to L.Cv.R. 83.2(g), that they are representing Petitioner without compensation.

Dated: July 3, 2008



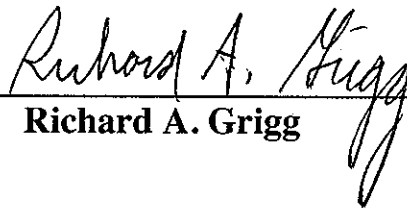
Richard A. Grigg

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition for Writ of Habeas Corpus was served upon the following on July 3, 2008, as follows:

Jeffrey Clair
Barbara Biddle
U.S. Department of Justice
Civil Division/Appellate Staff
20 Massachusetts Avenue, NW, Room 6120
Washington, D.C. 20530
Federal Express

Andrew I. Warden
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Room 6120
Washington, D.C. 20530
Federal Express

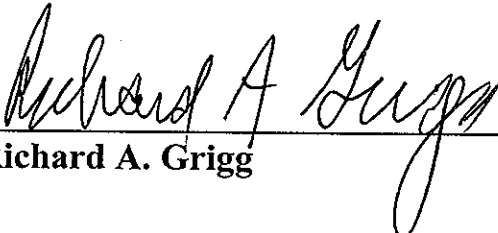


Richard A. Grigg

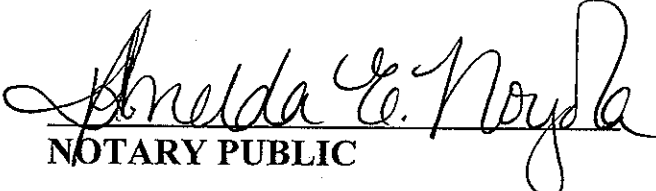
VERIFICATION

COUNTY OF TRAVIS §
§
STATE OF TEXAS §

I, RICHARD A. GRIGG, counsel to Petitioner Obaydullah, and an attorney in good standing of the State of Texas, hereby affirm under penalty of perjury that, to the best of counsel's knowledge, the facts set forth in this Petition are true and correct.


Richard A. Grigg

SUBSCRIBED AND SWORN TO before me on this the 3rd day of July, 2008.


NOTARY PUBLIC

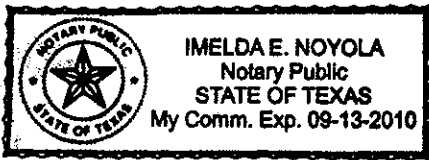


Exhibit #1

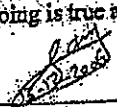
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FOUO**GUANTANAMO BAY**

I, SAMI AL HAJJ, hereby state that I am familiar with the American legal concept of "next friend" and I wish to act as next friend for the following prisoners who are being held here in Guantanamo Bay. The Department of Defense's Enemy Combatant Notice (ECN) that was distributed to detainees expressly stated that a detainee could have a "family member or friend" file a habeas petition on the detainee's behalf. Because these are men who are not familiar with the U.S. legal system and customs, and because it is so difficult for these prisoners to have a family member perform this task, I am acting as their friend. Each one is from Afghanistan, and has been held at this prison for four to five years without access to legal counsel:

NOORI, MULLAH NORULLAH	GUL, KHI ALI
FAZE, MULLAH MOHAMMAD	GHANI, ABDUL
RASOUL, ABDULLAH GULAM	DIN, JUMA
ALIZA, ABDUL RAUF	RAZZAK, ABDUL
AL ANSARI, FARIS MUSLIM	GHANI, ABDUL Z.
TORJAN, SHAIBJAN	ENU, SHARIFULLAH
DAOUD, MOHAMMAN	JAN, SAID AMIR
GUL, DAWD	NASIR, ALLAH
SHARIF, MOHAMMED	HAFIZULLAH, FNU
KHAIRKHA, KHIRULLAH SAID WALI	BARIDAD
OBADULLAH	YAR, KUSHKY
GUL, AWAL	KANDAHARI, KAKO
HASHIM, MOHAMMED	AHMED, SHABIR
NASRULLAH, FNU	SHAH, NAHIR
KHAN, SHAWALI	HAFIZ, ABDUL
JAWAD, MOHAMED	RAHMAN, MAHBUB
RAZZAQ, ABDUL	YAKUBI

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 12 day of December, 2006.


Sami al Hajj

FOUO