

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

MAHMOAD ABDAH, *et al.*,

Petitioner,

v.

BARACK OBAMA, *et al.*,

Respondents.

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) **Civil Action No. 04-1254 (RCL)**
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SCHEDULING ORDER

This matter comes before the Court following a call in chambers between the Court and counsel for the petitioners Esmail (ISN 522) and Uthman (ISN 27) and the respondents in *Abdah, et al. v. Obama, et al.*, Civ. No. 04-1254. Parties to this case and other cases involving detainees at the naval base detention facility in Guantanamo Bay, Cuba have filed motions that give rise to the question of the rights of detainees whose habeas petitions have been dismissed with or without prejudice to have continued access to counsel. Petitioners in this case and others have argued that the terms of Judge Thomas F. Hogan's September 11, 2008 Protective Order [409] in *In re Guantanamo Bay Detainee Litigation*, Misc. No. 08-442, govern detainees' continued access to counsel; the government disagrees and has proposed a Memorandum of Understanding to govern such access. Aside from the above-mentioned petitioners in this case, motions that give rise to this issue have been filed in the following cases:

Al-Mudafari, et al. v. Bush, et al., Civ. No. 05-2185 (RCL)
Al-Mithali, et al. v. Bush, et al., Civ. No. 05-2186 (ESH)
Ghanem, et al. v. Bush, et al., Civ. No. 05-1638 (CKK)
Al-Baidany, et al. v. Bush, et al., Civ. No. 05-2380 (CKK).

Judge Ellen Huvelle has issued an order referring the relevant motion for decision by this Court; Judge Colleen Kollar-Kotelly is prepared to issue similar orders. The Court hereby sets deadlines for the government to file its opposition to these motions, and for the petitioners in this and in the above-listed cases to file replies. The Court also sets a date for the hearing on these motions. Any party objecting to this procedure is expected to file a motion for reconsideration forthwith.

This Order is being posted in each of the five applicable civil cases. In addition, the Clerk of the Court has created a new miscellaneous case, Misc. No. 12-398, for disposition of this issue. Counsel are directed to submit any filings related to this issue in that miscellaneous case.

It is therefore hereby

ORDERED that the following schedule apply:

Deadline for Respondents' Opposition:	August 6, 2012
Deadline for Petitioners' Replies:	August 13, 2012
Motions Hearing:	August 17, 2012, 10:00 a.m.

SO ORDERED.

Signed by Royce C. Lamberth, Chief Judge, on July 27, 2012.