

SAIFULLAH PARACHA,
Petitioner,
v.
GEORGE W. BUSH, et al.,
Respondents.

This matter was set for argument this morning on petitioner’s motion for a temporary restraining order and preliminary injunction against “dangerous and improper medical treatment.” The motion was filed on November 14, 2006 and, at the Court’s request, the government promptly filed its opposition three days later, on November 17, 2006. This morning, shortly before argument, petitioner submitted a motion for a preliminary injunction “requiring proper medical treatment.” At the hearing, the government chose to rest on its earlier filed opposition and declarations rather than to take the time to file a formal response to petitioner’s second motion.

The first motion sought to enjoin subjecting petitioner to a cardiac catheterization procedure at the hospital at Guantanamo Bay without the express approval of his wife or one of his attorneys. That motion became moot when the government represented in writing, and again orally in Court, that the surgery would not be performed unless petitioner consented to the surgery. See Respondents' Opposition to Petitioner's Motion for a Temporary Restraining Order and a Preliminary Injunction Against Medical Treatment at 8 n.2. The Court therefore focused at the hearing on the second motion which seeks to have petitioner moved to another facility, the Bethesda

Naval Hospital or some other suitable facility, where the procedure could be done “properly” with appropriate follow-on care. See Petitioner’s Motion or Application for an Order to Show Cause and for a Preliminary Injunction Requiring Proper Medical Treatment at 4.

Upon consideration of the filings of the parties, including in particular the declarations submitted, and the arguments of counsel at the hearing, and for the reasons stated in open court, the Court finds that petitioner has not established that he faces irreparable injury from having the procedure performed at Guantanamo Bay, or that he has a substantial likelihood of succeeding on the merits of his claim. For the reasons stated in open court, it is hereby

ORDERED that the initial filing, petitioner’s motion for a temporary restraining order and preliminary injunction against improper medical treatment is DENIED as moot; and it is

FURTHER ORDERED that petitioner’s motion for a preliminary injunction requiring proper medical treatment is DENIED for failure to satisfy the tests for issuance of a preliminary injunction. This is an appealable order. See FED. R. APP. P. 4(a); 28 U.S.C. § 1292(a)(1).

DATE: November 20, 2006

/s/ _____
PAUL L. FRIEDMAN
United States District Judge