UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SAIFULLAH PARACHA, Petitioner, v. BARACK H. OBAMA, et al., Respondents.	)	Civil Action No. 04-2022 (PLF)

MEMORANDUM OPINION AND ORDER

On April 27, 2011, petitioner Saifullah Paracha's counsel filed an emergency application for immediate access to all publicly available WikiLeaks documents relevant to Mr. Paracha's case. See Emergency Application at 1, Apr. 27, 2011.[1] The following day, the Court conferred with counsel for the parties. The government intends to oppose the application. Because it argues that there is no emergency, the government intends to file its opposition in the ordinary course according to the Local Civil Rules, unless otherwise ordered by the Court. Under the Rules, its response is due on May 11, 2011. Mr. Paracha's counsel requests an expedited schedule which is opposed by the government: he requests that the government be required to file its opposition by May 4, 2011; that he file his reply by May 6, 2011; and that the Court hold a hearing on the matter during the week of May 9, 2011.

The Court sees no need for an expedited schedule because — as Mr. Paracha's counsel has acknowledged in his papers and in his representations to the Court — no emergency

[1] Mr. Paracha's counsel requests access only for himself; he does not, at this stage, request the right to share this information with Mr. Paracha. See Emergency Application at 7 n.4.

exists in this litigation, which has been continued pending Mr. Paracha's filing of a status report that was due by April 1, 2011 but has still not been filed. See Minute Order, Jan. 10, 2011. Furthermore, the Protective Order entered in this case on September 11, 2008 establishes specific procedures that counsel must follow "[i]n the event that classified information enters the public domain." In re Guantanamo Bay Detainee Litig., 577 F. Supp. 2d 143, 150 ¶ I(D)(31) (D.D.C. 2008); see id. at 150-51 ¶ I(D)(32).[2] To the extent that this application seeks to modify such procedures, briefing on the matter shall occur in the ordinary course.

Accordingly, it is hereby

ORDERED that Mr. Paracha shall file the past-due status report by May 2, 2011; it is

FURTHER ORDERED that the government shall file its opposition to the emergency application by May 11, 2011; and Mr. Paracha's counsel shall file his reply by May 18, 2011; and it is

FURTHER ORDERED that the Court will decide whether to hold a hearing on the emergency application after it is ripe for decision.

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: April 29, 2011

[2] And as a general matter, the Protective Order provides that counsel "shall seek guidance from the [Court Security Officer] with regard to appropriate storage, handling, transmittal, and use of classified documents or information." In re Guantanamo Bay Detainee Litig., 577 F. Supp. 2d at 148 ¶ I(C)(15).