

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

AYMAN SAEED BATARFI, <i>et al.</i> ,)	
)	
Petitioners/Plaintiffs,)	
)	
v.)	Civil No. 05-0409 (EGS)
)	
ROBERT M. GATES,)	
)	
Respondent/Defendant.)	
_____)	

JOINT MOTION FOR STAY OF PROCEEDINGS

Petitioner Ayman Saeed Batarfi (“Petitioner”), and Respondent Robert M. Gates (the “government”), by their undersigned attorneys, hereby jointly move for a stay of all proceedings in this matter and in support thereof state:

1. This matter is currently scheduled for a merits hearing on April 6 and 7, 2009, on the Petitioner’s request for a writ of habeas corpus. The parties have been working diligently to prepare for the hearing and to comply with Court Orders on discovery and other matters in advance of the hearing.

2. The United States has separately been reviewing the files of remaining Guantanamo detainees through an inter-agency review team established by Executive Order 13492 (Jan. 22, 2009). The Guantanamo Review Task Force has completed its review of Petitioner’s case. As a result of that review, Petitioner has been approved for transfer from Guantanamo Bay. In light of this development, the United States will initiate the appropriate diplomatic process, consistent with the national security and foreign policy interests of the United States, to facilitate Petitioner’s prompt transfer from Guantanamo Bay to an appropriate destination country.

3. The parties agree that the government will not be required to comply with outstanding production and discovery demands during the pendency of the stay, and they jointly request that the Court's discovery orders in this matter be stayed.

4. Petitioner reserves the right to request that this matter be re-scheduled for a prompt hearing, and that the discovery orders be revived, if Petitioner is not promptly repatriated to an acceptable country, or if it appears that Petitioner will be repatriated to a country that intends to impose unacceptable conditions. Respondent reserves the right to oppose a request for such relief.

WHEREFORE Petitioner and Respondent jointly request that the Court enter a stay of this matter. A proposed form of Order is attached.

Dated: March 30, 2009

Respectfully submitted,

<p>MICHAEL HERTZ Acting Assistant Attorney General</p> <p>TERRY M. HENRY Assistant Branch Director</p> <p><u>/s/ Andrew I. Warden</u> ANDREW I. WARDEN JOHN P. LOHRER SEAN W. O'DONNELL Jr.</p> <p>Attorneys United States Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave., N.W. Room 5112 Washington, DC 20530 Tel: (202) 305-7960 Fax: (202) 616-8470</p> <p><i>Attorneys for Respondent</i></p>	<p>MURPHY & SHAFFER LLC</p> <p>BY: <u>/s/ John J. Connolly</u> William J. Murphy D.C. Bar No. 350371 John J. Connolly Bar No. MD09537 (D.C. Bar No. 495388)</p> <p>36 S. Charles St., Suite 1400 Baltimore, Maryland 21201 Tel: (410) 783-7000 Fax: (410) 783-8823</p> <p><i>Attorneys for Petitioner</i></p>
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ORDER STAYING PROCEEDINGS

UPON CONSIDERATION OF the Joint Motion for Stay and the record in this case, it is, this ____ day of March 2009,

ORDERED that the Motion be, and hereby is, GRANTED; and it is further

ORDERED that the hearing currently scheduled for April 6, 2009, is CONTINUED; and it is further

ORDERED that all outstanding discovery and production obligations are STAYED until further notice; and it is further

ORDERED that Petitioner may request that this matter be re-scheduled for a merits hearing if Petitioner is not repatriated to an acceptable country within 30 days of the date of this Order, or upon other good cause shown, and it is further

ORDERED that the parties shall submit a status report to the Court 30 days from the date of this Order.

Emmet G. Sullivan
United States District Judge