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August 25, 2004

Hon. Joyce Hens Green
United States District Court
for the District of Columbia
333 Constitution Ave., N.W.
Washington, D.C. 20001
By express mail service

Re: Gherebi v. Bush, No. 04-CV-1164 (RBW)

Dear Judge Green,

Together with Stephen Yagman, I represent the petitioner in this case, Salem Gherebi. I just learned from Mr. Terry Henry, of the United States Department of Justice, that a scheduling hearing has been scheduled in front of you for this Friday, August 27, 2004.

Unfortunately, neither Mr. Yagman nor I are available to participate in this hearing. I am taking my son to begin his freshman year at Whitman College in Washington State and this is a commitment that cannot be rescheduled. Mr. Yagman had spinal surgery two weeks ago and cannot yet travel.

Nor is it possible for us to participate by phone. We have been told that we cannot participate by phone until we are properly admitted to the United States District Court for the District of Columbia. I am a member of the D.C. Bar (Bar No. 289330) and my application for admission to the District Court bar has been filed. However, I have been informed that admission requires being present in person to be sworn in. I will not be able to do this before Friday's hearing. I am the movant for Mr. Yagman's participation, so this obviously requires that I first be sworn in.

The government filed a motion to dismiss in this case and we have filed an opposition to this motion; the government filed its reply brief last week. A hearing is currently scheduled on this motion before Judge Walton on Friday, September 3, 2004, at 1:30 p.m. As the attorneys for Gherebi, we would oppose any continuance of this hearing. Our client has been imprisoned for over two years without a hearing and we believe that the motion to dismiss and the habeas corpus petition should be heard at the earliest possible time.

Moreover, our understanding is that there are several cases brought on behalf of Guantanamo detainees pending before different judges in the District Court. These all will need to be heard separately. Obviously, this will require individual scheduling based on the availability of the judges and counsel. The briefing is already done in this case on the government's motion to dismiss. There is no reason to delay the hearing on this motion to wait for briefing in other cases before other judges that will have to be scheduled and heard separately.

We look forward to participating in other proceedings before you in connection with the *Gherebi* case. We apologize that it is not possible for us to be a part of the proceedings this Friday.

Sincerely,



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