

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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RICHARD BELMAR,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 01-04-CV-1897 (RMC)
	)	
GEORGE W. BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	

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**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND  
MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW  
AND SUPPORTING MEMORANDUM**

Petitioner Richard Belmar has sued respondents in their official and individual capacities and seeks a writ of habeas corpus and equitable relief on grounds that he has been unlawfully detained. Specifically, petitioner alleges that his detention violates the Fifth Amendment Due Process Clause of the United States Constitution, Petition ¶¶ 39-42; international law, including the International Covenant on Civil and Political Rights, and the American Declaration on the Rights and Duties of Man, *id.* ¶¶ 43-46; military regulations and the Geneva Conventions, *id.* ¶¶ 47-48; the War Powers Clause of the United States Constitution, *id.* ¶¶ 49-50; and Article 1 of the United States Constitution, *id.* ¶¶ 51-52. These claims are identical to legal claims previously asserted in various other of the coordinated Guantanamo Bay detainee cases.

The claims against respondents in their official capacities are without merit for the reasons set forth in the Response to Petitions for Writ of Habeas Corpus and Motion to Dismiss or for Judgment as a Matter of Law and Memorandum in Support, filed October 4, 2004, in the

coordinated cases. In the interest of economy and in recognition of the coordinated nature of these cases, those reasons will not be restated here, but instead, the brief is attached as Exhibit 1 and incorporated herein. Petitioner's claims against respondents in their individual capacities are also without merit for the reasons stated in the Individual Respondents' Motion to Dismiss and Supporting Memorandum, filed October 4, 2004 in the coordinated cases; this Motion is also attached as Exhibit 2 and incorporated herein.

For these reasons, the claims in this case should be dismissed, judgment in favor of respondents should be granted, a writ of habeas corpus should not issue, and the relief requested by petitioner should be denied.<sup>1</sup>

Dated: November 22, 2004

Respectfully submitted,

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<sup>1</sup> Although respondents have not been served with the petition in this case and do not waive such service, in light of the fact that the petition raises legal issues also raised in the other coordinated cases, respondents are filing this legal response and motion consistent with the Court's Order of November 15, 2004, directing such a response. Respondents are also filing today an unopposed motion for extension of time to file a factual return in this case.

/s/ Terry M. Henry

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