

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR - 5 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

NIZAR SASSI,
 Detainee, Camp Delta;

SASSI SASSI,
 as Next Friend of Nizar Sassi;

RIDOUANE KHALID,
 Detainee, Camp Delta;

MOHAMMED KHALID,
 as Next Friend of Ridouane Khalid;

OMAR KHADR,
 Detainee, Camp Delta; and

FATMAH ELSAMNAH,
 as Next Friend of Omar Khadr;

 Petitioners,

v.

GEORGE WALKER BUSH,
 President of the United States
 The White House
 1600 Pennsylvania Ave., N.W.
 Washington, D.C. 20500;

DONALD RUMSFELD,
 Secretary, United States
 Department of Defense
 1000 Defense Pentagon
 Washington, D.C. 20301-1000;

ARMY BRIG. GEN. JAY HOOD,
 Commander, Joint Task Force - GTMO
 Guantánamo Bay Naval Station
 Guantánamo Bay, Cuba; and

ARMY COL. NELSON J. CANNON,
 Commander, Camp Delta,
 Guantánamo Bay Naval Station
 Guantánamo Bay, Cuba;

**MOTION FOR
EXPEDITED
CONSIDERATION**

No.

CASE NUMBER 1:04CV00547

JUDGE: Colleen Kollar-Kotelly

DECK TYPE: Habeas Corpus/2255

DATE STAMP: 04/05/2004

Respondents,
All sued in their official
and individual capacities.

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MOTION FOR EXPEDITED CONSIDERATION

Petitioners' case is controlled by *Al Odah v. United States*, 321 F.3d 1134 (D.C. Cir. 2003), *cert. granted sub nom. Rasul v. Bush*, ___ U.S. ___, 124 S. Ct. 534 (2003). Petitioners' allegations present the same threshold jurisdictional question that is before the Supreme Court in *Rasul*. There is a risk, however, that the Executive will manipulate events to prevent or forestall review in *Rasul*. To prevent this, and to insure that the Supreme Court will have the opportunity to consider this important issue as promptly as possible, undersigned counsel, who also represent the Petitioners in *Rasul*, have taken a number of steps.

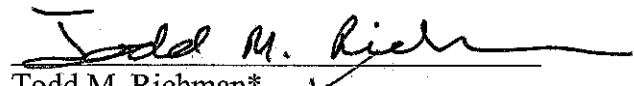
First, we have filed the accompanying Petition for Writ of Habeas Corpus in this case. By this Motion, we ask this Court to give this Petition expedited consideration, so that we may file an immediate notice of appeal to the Court of Appeals, and seek *certiorari* before judgment pursuant to 28 U.S.C. §1254(1).

Second, we have filed a Petition for Extraordinary Writ of Habeas Corpus in the United States Supreme Court on behalf of Riduane Khalid and his next friend, who are also part of the litigation before the Court in this action. And third, we have filed another Petition for Extraordinary Writ of Habeas Corpus in the Supreme Court on behalf of additional Petitioners. All of these Petitioners are incarcerated at Guantanamo Bay, and, for jurisdictional purposes, their cases are identical. These petitions are being filed simultaneously so as to provide the Supreme Court with a choice of vehicles through

which it may exercise its Article III and statutory jurisdiction in order for the Court to avoid being disabled from deciding the issue it accepted for review and consideration in *Rasul* and *Al Odah*.

The Petitioners have taken these steps so that the Supreme Court may promptly resolve the jurisdictional question presented in *Rasul*. Briefing in that case is nearly complete, and the matter is scheduled for oral argument April 20, 2004. To ensure that the issue remains before the Court this Term, Petitioners urge this Court to dismiss this matter forthwith, with prejudice, based on *Al Odah v. United States*, so that counsel may execute the plan outlined above.

Respectfully submitted,



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