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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a
resident of the State of Washington, as next of
friend for SALIM AHMED HAMDAN,
Military Commission Detainee
Camp Echo,
Guantanamo Bay Naval Base,
Guantanamo Bay, Cuba,

Petitioner,

v.

DONALD H. RUMSFELD, United States
Secretary of Defense; JOHN D. ALTENBURG,
JR., Appointing Authority of Military
Commissions, Department of Defense;
Brigadier General THOMAS L.
HEMINGWAY, Legal Advisor to the
Appointing Authority for Military
Commissions; Brigadier General JAY HOOD,
Commander Joint Task Force, Guantanamo,
Camp Echo, Guantanamo Bay, Cuba; and
GEORGE W. BUSH, President of the United
States,

Respondents.

NO. CV04-0777L

MOTION OF ARTHUR R. MILLER
AS AMICUS CURIAE FOR LEAVE
TO FILE OPPOSITION TO
RESPONDENTS' MOTION TO
DISMISS OR TRANSFER

**NOTE FOR MOTION
CALENDAR (UNOPPOSED):
July 27, 2004**

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I. PRELIMINARY STATEMENT

Amicus Curiae, Arthur R. Miller, is a professor of law who has devoted his entire career to the study and explication of federal civil procedure. Respondents' Motion to Dismiss or Transfer raises important questions about mandamus jurisdiction, next-friend standing, and habeas venue. These issues are of significant public importance.

The undersigned counsel is authorized by Respondents to represent to the Court that Petitioner consents and Respondents do not object to this motion.

II. ARGUMENT

It is in the sound discretion of this Court to allow amicus curiae participation in matters of broad public interest. See, e.g., Greenpeace v. National Marine Fisheries Service, 55 F. Supp. 2d 1248 (W.D. Wa. 1999). Amicus curiae status in federal district court is proper when the person "is an impartial individual who suggests the interpretation and status of the law, gives information concerning it, and whose function is to advise in order that justice may be done, rather than to advocate a point of view so that a cause may be won by one party or another." Leigh v. Engle, 535 F. Supp. 418, 420 (N.D. Ill. 1982). Here, Professor Miller is impartial; he is only interested in proper resolution of the issues before the Court.

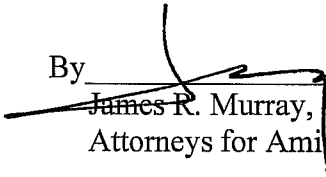
III. CONCLUSION

Therefore, the Court should grant Amicus Curiae's Motion for Leave to File the accompanying Memorandum of Arthur R. Miller as Amicus Curiae in Opposition to Respondents' Motion to Dismiss or Transfer.

1 DATED this 23rd day of July, 2004.
2

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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