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April 27, 2004

VIA FACSIMILE

Brian C. Kipnis
Assistant United States Attorney
U.S. Attorney's Office
601 Union Street, Suite 5100
Seattle, WA 98101

**Re: Swift v. Rumsfeld
United States District Court No. C04-0777L**

Dear Mr. Kipnis:

We are in receipt of Respondent's Motion for Order Holding Petition in Abeyance ("Motion for Stay") filed last Friday in the referenced case.

As you know, Mr. Hamdan's indefinite detention and continued incarceration presents a legal question of uncommon urgency. It now has been 30 months that Mr. Hamdan has remained in custody without charges having been brought and without a trial date being set, most recently in solitary confinement which only has exacerbated his situation. Under these circumstances, we would ask your cooperation in accelerating the briefing and submission dates on the Motion for Stay by one week, in a manner that will not shorten your response time for a reply brief. We will file our opposition to the Motion for Stay on Monday, May 3. We would ask that your reply be served the following Thursday, May 6, and that we jointly ask the Court to renote the submission date on the Motion for Stay to Friday, May 7. We intend to request that Judge Lasnik schedule oral argument on the Motion for the earliest available date thereafter.

Let us know if you are agreeable to this schedule. We would hope to receive the Court's ruling on the Motion for Stay by mid-May.

EXHIBIT A

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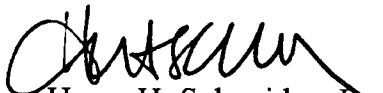
In the meantime, we believe that the Petition for Mandamus/Habeas Corpus filed by Lt. Commander Swift on behalf of Mr. Hamdan should proceed apace. As you are aware, the Petition was filed more than twenty days ago, and we already have submitted our memorandum in support. We therefore would expect in the coming days to receive defendants' response on the merits showing cause, if any, why the writ should not be granted. Given the urgency of the relief sought in the Petition, we do not want to await the Court's ruling on the Motion for Stay before the merits are briefed.

We therefore would propose that the Government's return on the underlying Petition be served and filed on May 14 , with our reply due one week later, on May 21. Given the expedited response time contemplated in Section 2243 on Petitions for Writ of Habeas Corpus, we trust that this will be sufficient time for you to assemble any opposition papers. We also would seek to have an evidentiary hearing with oral argument on the merits before the Court issues its ruling on the Petition. Absent an order granting your Motion for Stay, we would hope to have a hearing before Judge Lasnik on the Petition sometime during the last week of May.

We also have some limited discovery that we would propose to undertake in the coming weeks. Again, we do not see that the mere fact that a stay of proceedings has been sought should prevent us from undertaking the discovery, unless and until a stay is actually entered.

Let us know if you are agreeable to this proposed schedule. Enclosed is our Request for Early Status Conference that we intend to file with Judge Lasnik later today. To the extent we can reach agreement on some of these issues and present the same by stipulated order, we would prefer to do so.

Very truly yours,



Harry H. Schneider, Jr.

HHS:rp
Enclosure

cc: Jonathan L. Marcus
(w/enclosure via facsimile)

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