

THE HONORABLE ROBERT S. LASNIK

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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

NO. CV04-0777L

PRAECIPE

v.

DONALD H. RUMSFELD, United States  
Secretary of Defense; JOHN D.  
ALTENBURG, Jr., Appointing Authority for  
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;  
GEORGE W. BUSH, President of the United  
States,

Respondents.

1 **TO: THE CLERK OF THE COURT**

2  
3  
4 Please substitute the attached pages ii, iii, iv and 2, which replace the original pages  
5  
6 ii, iii, iv and 2 of the Petition for Writ of Mandamus Pursuant to 28 U.S.C. § 1361 or, in the  
7  
8 Alternative, Writ of Habeas Corpus, which was filed on Tuesday, April 6, 2004. The  
9  
10 attached pages ii, iii, and iv include corrections to the Petition's table of contents and table of  
11  
12 authorities. The attached page 2 substitutes "July 3, 2003" for "July 3, 2004" at line 6.  
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14 Please also take appropriate action, as necessary, to reflect these corrections.  
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RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of April, 2004.

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and

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Joseph M. McMillan, WSBA #26527  
David R. East, WSBA #31481  
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**CERTIFICATE OF SERVICE**

On April 8, 2004, I caused to be served upon counsel of record, at the addresses stated below, via the method of service indicated, a true and correct copy of the following document: **PRAECIPE**

Mr. John McKay  
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601 Union Street, Suite 5100  
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Via hand delivery  
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Guantanamo, APO AE 09360

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Judge Advocate General  
Chief Litigation Division, U.S. Army  
901 N. Stuart St., Room 449  
Arlington, VA 22203

Via hand delivery  
 Via U.S. Mail, 1st Class,  
Postage Prepaid  
 Via Overnight Delivery  
 Via Facsimile  
 Via E-filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 8<sup>th</sup> day of April, 2004.

By: s/Harry H. Schneider, Jr.  
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1 eligible for trial by military commission pursuant to his Military Order of November 13,  
2  
3 2001. *See* Press Briefing of Senior Department of Defense ("DOD") Official and Senior  
4  
5 Military Officer, July 3, 2003, attached as Exhibit A to the Swift Decl.  
6  
7

8 In early December 2003, in preparation for trial by military commission,  
9  
10 Mr. Hamdan was placed in Camp Echo, "*our facility where we hold the pre-commission*  
11  
12 *detainees.*" Press Briefing of Army Major General Geoffrey D. Miller, Feb. 13, 2004, at 30,  
13  
14 attached as Exhibit C to the Swift Decl. (emphasis added). Conditions in Camp Echo are  
15  
16 tantamount to solitary confinement, in that Mr. Hamdan is held in isolation from all other  
17  
18 prisoners and permitted no visitors except Lieutenant Commander Swift. Yet as of the date  
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20 of this Petition, DOD still has not set a trial date or even advised Mr. Hamdan regarding the  
21  
22 nature of the charges on which he is to be tried.  
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25

26 Lieutenant Commander Swift is under orders to serve as Defense Counsel within the  
27  
28 Office of Military Commissions in the Office of the General Counsel of the United States  
29  
30 Department of Defense, as established pursuant to the Military Order. *See* Official Change  
31  
32 of Duty Orders for Lieutenant Commander Swift, Sept. 2003, attached as Exhibit F to the  
33  
34 Swift Decl. On December 18, 2003, Lieutenant Commander Swift was assigned to serve as  
35  
36 Mr. Hamdan's appointed military defense counsel and he continues to serve in that capacity  
37  
38 as of the date of this Petition. Lieutenant Commander Swift is under legal and military  
39  
40 obligation to zealously represent Mr. Hamdan's interests and as such is a proper "next  
41  
42 friend" for the purpose of this Petition. Lieutenant Commander Swift is legally domiciled in  
43  
44 the Western District of Washington State and is entitled to seek relief in this Court.  
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