



**U.S. Department of Justice**  
Office of the Solicitor General

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*Washington, D.C. 20530*

June 26, 2007

Honorable William K. Suter  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Khaled A.F. Al Odah v. United States, No. 06-1196

Dear Mr. Suter:

On June 22, 2007, petitioners filed a reply to the government's brief in opposition to the petition for rehearing. The reply contained a declaration by Lt. Col. Stephen Abraham, United States Army Reserve. See Reply App. i-viii. That declaration, which was filed in *Bismullah v. Gates*, No. 06-1197 (D.C. Cir.; appeal pending), is not part of the record in this case. The Abraham declaration "responds to certain statements" (Reply App. i) in the declaration of Rear Adm. (Ret.) James M. McGarrah, United States Navy, which was filed in the *Bismullah* case. In the event that the Court chooses to consider the Abraham declaration in connection with the petition for rehearing in this case, a copy of the McGarrah declaration is attached.

I would appreciate your circulating this letter and the attachment to the Members of the Court.

Sincerely,

Paul D. Clement  
Solicitor General

cc: See Attached Service List