

A. 10A52

No. 10-_____

IN THE
Supreme Court of the United States

FARHI SAEED BIN MOHAMMED, ET AL.,

Petitioners,

v.

BARACK H. OBAMA, ET AL.,

Respondents.

PETITIONER'S MOTION TO FILE UNDER SEAL HIS EMERGENCY APPLICATION TO THE CHIEF JUSTICE FOR STAY PENDING FILING OF PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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July 13, 2010

Pursuant to Rule 21, Petitioner requests permission to file his emergency application for a stay pending the filing of a petition for a writ of certiorari, lodged on this date, under seal.

Petitioner is a person detained at Guantánamo who has been granted a writ of habeas corpus. The Government has designated certain information material to the present controversy as “protected information,” as it is permitted to do under the Protective Order applicable to Petitioner’s case in the District Court. *Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba*, Civ. No. 05-1347, Doc. 62 (“Protective Order”), at ¶ 34 (D.D.C. Sept. 11, 2008).¹ The Protective Order directs all parties to file under seal any pleading or document that contains protected information. *Id.* ¶ 49. In both the District Court and the Court of Appeals, almost every filing and order related to Petitioner’s stay application were filed under seal in accordance with the Protective Order because they contained or referred to the protected information at the core of the controversy, as does Petitioner’s stay application.

Accordingly, to comply with his obligations under the Protective Order, Petitioner seeks permission from this Court to file under seal his emergency

¹ “Protected information” is defined as information “not suitable for public filing.” Protective Order ¶ 10.

application for a stay of the mandate of the U.S. Court of Appeals for the District of Columbia Circuit.²

Respectfully submitted,



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² We understand that the normal practice when seeking leave to file a document under seal is to file concurrently a proposed redacted version of the document. In light of the exigencies of the present controversy, however, we respectfully submit this motion without a proposed redacted version. Because the need to file under seal arises from the Government's designation of "protected information," we will undertake to coordinate with counsel for the Government to determine the most appropriate way to prepare a public version of the stay application.