

Nos. 06-1195 and 06-1196

---

IN THE SUPREME COURT OF THE UNITED STATES

---

LAKHDAR BOUMEDIENE, *et al.*, Petitioners,

v.

GEORGE W. BUSH, *et al.*, Respondents.

---

KHALED A.F. AL ODAH, NEXT FRIEND OF FAWZI KHALID ABDULLAH FAHAD AL  
ODAH, *et al.*, Petitioners,

v.

UNITED STATES OF AMERICA, *et al.*, Respondents.

---

ON WRITS OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

**PETITIONERS' UNOPPOSED APPLICATION  
FOR IMMEDIATE ISSUANCE OF JUDGMENT**

---

DAVID J. CYNAMON  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8000  
*Counsel for Al Odah Petitioners  
in No. 06-1196*

SETH P. WAXMAN  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(202) 663-6000  
*Counsel for Petitioners in  
No. 06-1195*

THOMAS B. WILNER  
SHEARMAN & STERLING LLP  
801 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 508-8000  
*Counsel for El-Banna  
Petitioners in No. 06-1196*

2008 JUN 18 P 3: 28

70 001

SUPREME COURT OF THE  
UNITED STATES

## RELIEF REQUESTED

Pursuant to Supreme Court Rule 45, Petitioners request that the Court direct issuance of the certified judgment in these cases forthwith. The Solicitor General and counsel for Respondents Khadr and Khalid have informed counsel for Petitioners that they do not oppose immediate issuance of the judgment.

## ARGUMENT

On June 12, 2008, this Court issued its decision in these cases, reversing the judgment of the court of appeals and remanding the cases “to the Court of Appeals with instructions that it remand the cases to the District Court for proceedings consistent with this opinion.”

*Boumediene v. Bush*, 2008 WL 2369628, at \*47 (U.S. June 12, 2008).

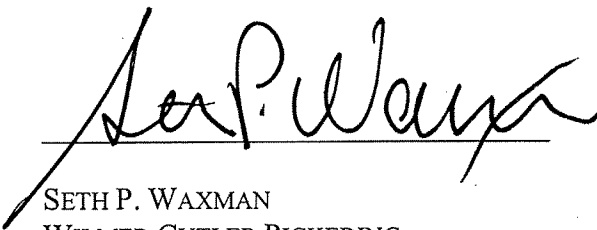
In cases on review from federal courts, the Court’s rules do not provide for issuance of a “formal mandate”; instead the Clerk “send[s] the clerk of the lower court a copy of the opinion or order of this Court and a certified copy of the judgment.” S. Ct. R. 45.3. The judgment is normally sent “25 days after entry of the judgment, unless the Court or a Justice shortens or extends the time, or unless the parties stipulate that it issue sooner.” S. Ct. R. 45.2; *see also* S. Ct. R. 45.3 (applying the provisions of Rule 45.2 regarding mandate to issuance of the certified judgment).

Here, the parties have agreed to immediate issuance of the certified judgment to the lower court. Immediate issuance is particularly appropriate given the Court’s recognition of Petitioners’ right to a prompt hearing on the merits of their habeas corpus cases. *See, e.g., Boumediene*, 2008 WL 2369628, at \*44 (“While some delay in fashioning new procedures is unavoidable, the costs of delay can no longer be borne by those who are held in custody. The detainees in these cases are entitled to a prompt habeas corpus hearing.”).

CONCLUSION

For the reasons stated, Petitioners respectfully request that the Court direct issuance of the judgment to the lower court forthwith.

Respectfully submitted.



DAVID J. CYNAMON  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8000  
*Counsel for Al Odah Petitioners  
in No. 06-1196*

SETH P. WAXMAN  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(202) 663-6000  
*Counsel for Petitioners in  
No. 06-1195*

THOMAS B. WILNER  
SHEARMAN & STERLING LLP  
801 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 508-8000  
*Counsel for El-Banna  
Petitioners in No. 06-1196*

JUNE 2008

