

[ORAL ARGUMENT HELD ON APRIL 4, 2008]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

HUZAIFA PARHAT,
Petitioner,

v.

ROBERT M. GATES,
Respondent.

No. 06-1397

**NOTICE OF FILING OF PETITIONER'S MOTION FOR CONDITIONAL
ORDER OF CONTEMPT**

Petitioner Huzaifa Parhat submits this notice of filing of Petitioner's Motion for Conditional Order of Contempt against Respondent Robert M. Gates, the Secretary of Defense, for his refusal to comply with this Court's June 20, 2008 order "direct[ing] the government to release Parhat, to transfer him, or to expeditiously convene a new Combatant Status Review Tribunal to consider evidence submitted in a manner consistent with this opinion." *Parhat v. Gates*, 532 F.3d 834, 836 (D.C. Cir. 2008), *reh'g denied per curiam*, *Parhat v. Gates*, No. 06-1397 (D.C. Cir. Sept. 2, 2008). Although Petitioner believes the motion contains no classified or protected information, in an abundance of caution it has been filed with the Court Security Officer pending classification review.

October 16, 2008

Respectfully submitted,

BINGHAM MCCUTCHEN LLP



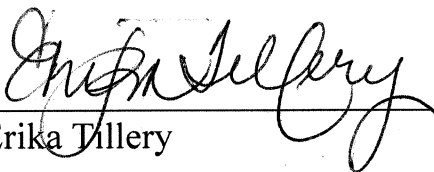
Susan Baker Manning
2020 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 373-6000
Facsimile: (202) 373-6001

Sabin Willett
Rheba Rutkowski
Neil McGaraghan
Jason S. Pinney
1 Federal Street
Boston, MA 02110
Telephone: (617) 951-8000
Facsimile: (617) 951-8736

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2008, copies of the foregoing Notice of Filing of Petitioner's Motion for Conditional Order of Contempt were served via electronic mail and overnight mail:

Robert Loeb, Esq.
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Room 7268
Washington, DC 20530



Erika Tillery