

# BINGHAM

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## VIA HAND DELIVERY

Honorable William K. Suter, Clerk  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Re: *Kiyemba v. Obama*, No. 08-1234

Dear Mr. Suter:

I write to report developments that have occurred since the briefing closed on the petition for *certiorari*.

On June 11, 2009, four of the seventeen petitioners were transferred to Bermuda. The rest remain in the Guantanamo prison.

On August 28, 2009, twelve of the thirteen remaining prisoners received letters from Palau, offering to receive them temporarily as noncitizens. Palau is a tiny island nation in the Pacific Ocean. It has no Uighur population.

Four men have accepted the offer. Discussions with others are ongoing.

The thirteenth imprisoned petitioner is Arkin Mahmud. Palau did not extend an offer to Mr. Mahmud. No nation has offered him refuge. There is no current expectation of his release from the Guantanamo prison.

No date has been set for the release of any petitioner. Actual freedom for any remains subject to ongoing diplomacy with Palau and the discretion of the political branches at home. We understand that the Executive will shortly report the details of the potential transfers to Congress. We do not know what will happen if Congress raises objections.

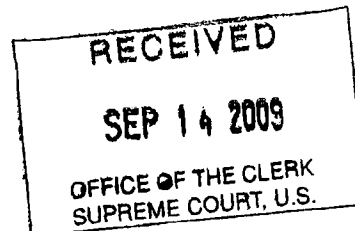
In short, the case is not moot as to any of the remaining thirteen petitioners, and has no current prospect of becoming so for Mr. Mahmud. Now in the eighth year of imprisonment, each petitioner approaches the anniversary of the grant of the Writ in his favor. Petitioners asked this Court to review the important

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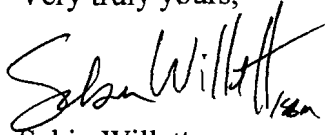
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constitutional issues presented by this case more than five months ago.  
They renew their urgent request that this Court grant *certiorari*.

Very truly yours,



Sabin Willett

cc: Elena Kagan, Esq., Solicitor General of the United States  
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