

FILED UNDER SEAL

IN THE SUPREME COURT OF THE UNITED STATES

NO. 10A-__

ABDUL AZIZ NAJI, APPLICANT, APPLICANT

V.

BARACK OBAMA, ET AL.

MOTION FOR LEAVE TO FILE UNDER SEAL EMERGENCY
APPLICATION TO STAY THE MANDATE OF THE UNITED STATES
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT PENDING FILING OF PETITION FOR WRIT OF CERTIORARI

Pursuant to Rule 21, Applicant, Abdul Aziz Naji,
respectfully requests leave to file under seal the above-titled
application, submitted on this date

Applicant is a Guantánamo detainee with a pending habeas
petition in the district court. (D.D.C. No. 05-2386.) The
Government has designated certain information as "protected
information" under the Protective Order that governs the
Guantánamo habeas cases. 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). "Protected informa-
tion" is defined as information "not suitable for public filing."
Protective Order ¶ 10. Mr. Naji maintains that the application
includes little if any information properly designated as
"protected" under the Protective Order.

Be that as it may, the Protective Order directs all parties to file under seal any pleading or document that contains information designated by the Government as "protected information." *Id.* ¶ 49. In both the district court and the court of appeals, most filings and orders relating to the subject matter of the application have been filed under seal in accordance with the Protective Order because they contained or referred to information that the Government maintains is properly designated as "protected."

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, we respectfully submit this motion without a proposed redacted version. However, we will undertake to coordinate with counsel for the Government to determine the most appropriate way to prepare a public version of the application.

CONCLUSION

The application should be granted.

Respectfully submitted,

/s/

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