

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re Abdul Rahim Abdul Razak Al Ginco,
Inmate Serial Number 489, Guantánamo Bay
Naval Base, Guantánamo Bay, Cuba,

Petitioner.

MOTION FOR EXPEDITED CONSIDERATION
OF PETITION FOR WRIT OF MANDAMUS

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Stephen R. Sady
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Attorneys for Petitioner

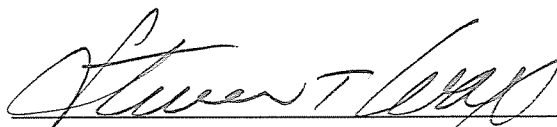
The petitioner, Abdul Rahim Abdul Razak Al Ginco, through his attorneys, Steven T. Wax and Stephen R. Sady, respectfully moves this Court for expedited consideration of the Petition for Mandamus filed herewith on the grounds that the petitioner has established both substantial likelihood of success on the merits and continuing and irreparable harm from his imprisonment at the Guantánamo Naval Base in Cuba.

Expedited consideration by this Court is appropriate because the petitioner has been unable to obtain a ruling on an emergency motion in the Court of Appeals, pending since October 31, 2007, or on a summary judgment motion in the District Court, pending since September 21, 2006. As elaborated in his Petition, the extrinsic evidence before the District Court and the Court of Appeals establishes a prima facie case that Mr. Ginco is being held unlawfully for four related reasons: he was a Taliban torture victim and political prisoner for two years before the Authorization for the Use of Military Force; he voluntarily approached United States authorities to provide information regarding the human rights violations he and others suffered at the hands of the Taliban; the military relied on the products of Taliban torture to incarcerate him; and, as an apolitical and religiously moderate student who committed no belligerent acts against the United States, he meets no definition of enemy combatant. The harm of six years of imprisonment at Guantánamo is compounded

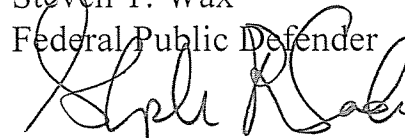
by his psychological vulnerability as the apparent victim of Torture Syndrome, a form of post-traumatic stress disorder that is exacerbated by the type of treatment he receives.

The relief sought is a ruling on an emergency motion pending in the Court of Appeals that seeks interim relief, including conditional release, based on the delays in deciding a new Combatant Status Review Tribunal and potential continued delays thereafter. The new CSRT was authorized in August and effectively superseded expedited consideration of Mr. Ginco's Detainee Treatment Act petition for immediate release. In the emergency motion, Mr. Ginco sought conditional release during the pendency of further DTA litigation based upon his showing of substantial likelihood of success on the merits and irreparable and continuing harm. In the alternative, Mr. Ginco seeks an order requiring that the District Court resolve the summary judgment motion that has been pending on his habeas corpus case.

Respectfully submitted this 21st day of April, 2008.



Steven T. Wax
Federal Public Defender



Stephen R. Sady
Counsel of Record
Chief Deputy Federal Public Defender

CERTIFICATE OF SERVICE

I, Stephen R. Sady, counsel of record and a member of the Bar of this Court, certify that pursuant to Rule 29.3, service has been made of the within Motion for Expedited Consideration of Petition for Writ of Mandamus on the counsel for the government by overnight delivery, a certified true, exact and full copy thereof addressed to:

Paul Clement
Solicitor General
Room 5614
Department of Justice
950 Pennsylvania Avenue, N. W.
Washington, DC 20530-0001

Copies have also been provided as follows:

Robert Mark Loeb
Matthew M. Collette
Catherine Y. Hancock
U.S. Department of Justice
(DOJ) Office of the Attorney General
Room 7212
950 Pennsylvania Avenue, NW
Washington, DC 20530

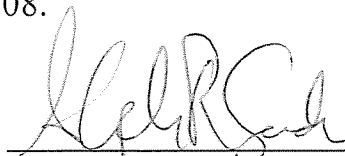
Terry Marcus Henry
Andrew I. Warden
U.S. Department of Justice, Civil Division
Federal Programs Branch
20 Massachusetts Avenue, NW
Washington DC 20530

Nancy Dunn, Clerk of the Court
U.S. Court of Appeals
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., NW
Washington, D.C. 20001

Nancy Mayer-Whittington, Clerk of Court
United States District Court
333 Constitution Avenue, N.W.
Washington, D.C. 20001

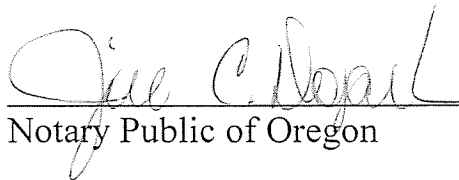
Further, the original and ten copies were mailed to the Honorable William K. Suter, Clerk of the United States Supreme Court, by overnight delivery, addressed to 1 First Street, N.E., Washington, D.C., 20543, for filing on this 21st day of April, 2008.

Dated this 21st day of April, 2008.



Stephen R. Sady
Counsel of Record
Attorney for Petitioner

Subscribed and sworn to before me this 21st day of April, 2008.



Notary Public of Oregon

