

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALIM AHMED HAMDAN,
Petitioner,

v.

ROBERT GATES, *et al.*,
Respondents.

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) Judge Robertson
) [No. 04-CV-1519-JR]
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**MOTION FOR PRELIMINARY INJUNCTION ENJOINING
PETITIONER'S TRIAL BY MILITARY COMMISSION**

Pursuant to Fed. R. Civ. Pro 65, Petitioner Salim Hamdan, by his attorneys, respectfully moves this Court for entry of a preliminary injunction enjoining the imminent military commission proceedings against him in Guantanamo Bay, Cuba until there is a determination by this Court on Mr. Hamdan's habeas challenges to the legality and jurisdiction of the military commission. The grounds for this motion are set forth in the accompanying memorandum of points and authorities.

Absent an order from this Court, Mr. Hamdan's trial at Guantanamo Bay will begin on July 21, 2008. In light of this imminent trial date, Petitioner asks that the Court enter a briefing schedule that will permit this motion to be decided by July 21. Petitioner is willing to refrain from seeking a hearing or oral argument, should that aid the

disposition of this motion. Petitioner proposes the following schedule for resolution of this motion for a preliminary injunction:

Petitioner's Motion Filed	Thursday, July 3, 2008
Government's Opposition Due	Thursday, July 10, 2008
Petitioner's Reply Due	Tuesday, July 15, 2008

Of course, if Respondents agree to postpone Mr. Hamdan's criminal trial at Guantanamo Bay so that it does not take place five weeks after the Supreme Court's intervening decision in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), the briefing can then be executed on a slower timetable.

Respectfully submitted,

/s/ Neal Katyal

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2008, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

DATED at Seattle, Washington, this 3rd day of July, 2008.

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