



U.S. Department of Justice
Office of the Solicitor General

Washington, D.C. 20530

June 11, 2009

Honorable William K. Suter
Clerk
Supreme Court of the United States
Washington, D.C. 20543

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

Dear Mr. Suter:

I am writing to advise the Court of a recent development with respect to four of the petitioners in the above-captioned case. The petition for a writ of certiorari in this case was filed on April 3, 2009, and the petition is scheduled to be considered at the Court's conference on June 25, 2009.

Petitioners are aliens who were previously detained as enemy combatants at Guantanamo Bay Naval Base, and who have since been located at Guantanamo Bay in a non-enemy combatant status. Petitioners understandably do not wish to return to their home country, because they fear inhumane treatment there, and the United States government therefore has been attempting to locate appropriate alternate countries for resettlement. The question presented is whether a federal court exercising its habeas corpus jurisdiction may order the United States government to bring petitioners into the United States for release, outside of the framework of the federal immigration laws.

The government has located an appropriate alternate country -- Bermuda -- for four of the petitioners. Those petitioners are Abdul Nasser, Jalal Jalaldin, Abdul Semet, and Huzaiifa Parhat. They have agreed to be resettled in Bermuda, and they were transferred to Bermuda on June 11, 2009. Because those petitioners are no longer being detained by the United States, they have obtained the relief they sought (release from the custody of the United States) and the petition is moot with respect to them. See, e.g., Spencer v. Kemna, 523 U.S. 1, 7 (1998).

These petitioners' resettlement also demonstrates the government's continued commitment to resettle all of the petitioners in the case, in accord with Executive Order 13,492.

The United States is working diligently to find an appropriate place to resettle the remaining Uighur detainees.

Sincerely,

Elena Kagan /u
Elena Kagan
Solicitor General

cc: See Attached Service List

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KIYEMBA, JAMAL, ET AL. *

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