

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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MOHAMMED SULAYMON BARRE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 08-1153 (HHK)
	:	
BARACK H. OBAMA, <i>et al.</i> ,	:	
	:	
Respondents.	:	
_____	x	

**MOTION FOR STATUS CONFERENCE**

Petitioner Mohammed Sulaymon Barre, by and through his undersigned counsel, respectfully submits this motion for a status conference to establish a process and schedule for resolving this case on the merits.<sup>1</sup> In support of this motion, Mr. Barre states the following:

1. Mr. Barre, a citizen of Somalia, was formally recognized as an international refugee under the protection of the United Nations High Commissioner for Refugees in the early 1990s. He lived in Karachi, Pakistan, and was abducted from his home in November 2001. He was eventually transferred to Guantánamo Bay, where he was assigned the number “ISN 567.” Years later, a Combatant Status Review Tribunal at Guantánamo Bay determined that Mr. Barre was properly detained as an “enemy combatant” – a designation that he categorically rejects.

2. Mr. Barre filed a petition for review of his enemy combatant designation in the D.C. Circuit, pursuant to the Detainee Treatment Act of 2005, in August 2007. He subsequently filed a habeas petition before this Court in July 2008, following the Supreme Court’s decision in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), which held that detainees have a constitutionally-

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<sup>1</sup> The parties have met and conferred, and the government objects to this motion.

protected right to seek habeas relief. The government filed a factual return to Mr. Barre's habeas petition in December 2008.

3. On July 31, 2009, Mr. Barre filed a traverse of the government's factual return to his habeas petition. The parties also filed cross-motions concerning the use of hearsay evidence, and the Court ruled on those motions on September 23, 2009 (dkt. no. 151). In addition, the Court held a series of status conferences between July 24, 2009 and October 7, 2009, to address various matters including the process and schedule for resolving this case on the merits. The Court also scheduled a further status conference for January 4, 2010.

4. On October 29, 2009, the parties filed under seal a joint motion to stay (dkt. no. 154). The Court issued a sealed order on December 9, 2009.

5. On December 22, 2009, the government notified the Court and undersigned counsel that it had released Mr. Barre from Guantánamo Bay and transferred him to Somaliland, a quasi-independent region in northern Somalia (dkt. no. 161).<sup>2</sup>

6. On December 29, 2009, the parties filed a joint motion to cancel the status conference scheduled for January 4, 2010 (dkt. no. 162). The Court granted the motion by minute order on December 30, 2009.

7. Since Mr. Barre's transfer to Somaliland, undersigned counsel has had the opportunity to consult with him about his release as well as his present circumstances in Somaliland. Mr. Barre has instructed his counsel to pursue litigation of his habeas case to a final

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<sup>2</sup> See also Press Release, *United States Transfers 12 Guantanamo Bay Detainees to Afghanistan, Yemen and the Somaliland Region*, Office of Public Affairs, U.S. Dep't of Justice, Dec. 20, 2009 (detainees approved for transfer after examining factors including "likelihood of success in habeas litigation"), available at <http://www.justice.gov/opa/pr/2009/December/09-ag-1369.html>.

resolution on the merits, including to address the collateral consequences of his prior detention at Guantánamo Bay, including restrictions on his right to travel and stigmatic injury.<sup>3</sup>

8. Accordingly, Mr. Barre respectfully requests that the Court schedule a status conference to establish a process and schedule for resolving this case on the merits, including deadlines for the parties to file cross-motions for judgment on the record, and, if necessary following the Court's ruling on the cross-motions for judgment, procedures for an evidentiary hearing on the merits of Mr. Barre's habeas case.<sup>4</sup>

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<sup>3</sup> This Court retains jurisdiction over Mr. Barre's habeas case notwithstanding his release from Guantánamo Bay. *See, e.g., Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (holding that "once the federal jurisdiction has attached in the District Court, it is not defeated by the release of the petitioner prior to completion of proceedings on such application"); *id.* at 239 ("[The habeas] statute does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted. It provides that 'the court shall . . . dispose of the matter as law and justice require' . . . [and] contemplate[s] the possibility of relief other than immediate release from physical custody"); *Sibron v. New York*, 392 U.S. 40, 55 (1968) (holding that the mere possibility that collateral consequences may exist is sufficient to preserve a live controversy).

<sup>4</sup> *Cf. Carafas*, 391 U.S. at 240 ("[Petitioner] should not be thwarted now and required to bear the consequences of assertedly unlawful conviction simply because the path has been so long that he has served his sentence.").

Dated: New York, New York  
March 2, 2010

Respectfully submitted,

/s/ J. Wells Dixon

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