

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

TOFIQ NASSER AWAD AL BIHANI (ISN 893),

ABDU LATIF NASSER (ISN 244),

SHARQAWI AL HAJJ (ISN 1457),

SANAD AL KAZIMI (ISN 1453),

SUHAIL SHARABI (ISN 569),

ABDUL RABBANI (ISN 1460),

AHMED RABBANI (ISN 1461),

ABDUL MALIK (ISN 10025),

Petitioners,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

Case Nos.

04-cv-1194 (TFH) (ISN 569)

05-cv-764 (CKK) (ISN 244)

05-cv-1607 (RCL) (ISNs 1460, 1461)

05-cv-2386 (RBW) (ISNs 893, 1453)

08-cv-1440 (CKK) (ISN 10025)

09-cv-745 (RCL) (ISN 1457)

SCHEDULING AND PROCEDURES ORDER

(January 18, 2018)

The Court has received Petitioners' Motions for Order Granting Writ of Habeas Corpus in each of the above-captioned cases. In addition to the above-captioned cases assigned to this Court, this Scheduling and Procedures Order applies with respect to the cases assigned to Judges Hogan, Lamberth, and Walton.

In order to administer these civil actions in a manner fair to the litigants and consistent with the parties' interest in completing this litigation in the shortest possible time and at the least possible cost, it is, this 18th day of January, 2018, hereby

ORDERED that the parties are directed to comply with each of the directives set forth in this Order. The Court will hold the parties responsible for following these directives; failure to conform to this Order's directives **may, when appropriate, result in the imposition of sanctions.**

1. **COMMUNICATIONS WITH THE COURT.** The parties should endeavor to keep communications with Chambers to a minimum. *Ex parte* communications on matters other than scheduling are **strictly prohibited**; if the parties need to contact Chambers, it must be done **jointly** pursuant to a conference call arranged by the parties.

2. **MOTIONS GENERALLY.** Parties must comply with the following instructions when briefing any motion:

- (a) Memoranda of points and authorities filed in support of or in opposition to any motion may not, without leave of the Court, exceed forty-five (45) pages, and reply memoranda may not exceed twenty-five (25) pages, with margins set at one inch and with all text double-spaced (excepting footnotes) and in twelve-point Times New Roman (including footnotes).
- (b) A party may not file a sur-reply without first requesting leave of the Court.
- (c) Where a party fails to file a memorandum of points and authorities in opposition to a given motion, the Court **may treat the motion as conceded**. L. Civ. R. 7(b). Similarly, where a party fails to respond to arguments in opposition papers, the Court may treat those specific arguments as conceded. *Phrasavang v. Deutsche Bank*, 656 F. Supp. 2d 196, 201 (D.D.C. 2009).
- (d) **Exhibits shall be properly edited** to exclude irrelevant material and to direct the Court's attention to the pertinent portions thereof.
- (e) Each submission shall be accompanied by a table of cases and other authorities cited therein.
- (f) Every pleading or paper, regardless of whether it is signed by an attorney or a *pro se* party, shall contain the name, address, telephone number, and, for an attorney, bar identification number. L. Civ. R. 5.1(c).

3. **MOTIONS FOR EXTENSIONS OF TIME.** Motions for extensions of time are strongly discouraged; they will be granted only in truly exceptional or compelling circumstances and parties should not expect the Court to grant extensions. The Court will not entertain or honor stipulations for extensions of time; parties must file a written motion in accordance with the following instruction:

- (a) Motions for extensions of time **must be filed at least four (4) business days prior to the first affected deadline.**
- (b) Motions to continue a hearing **must be filed at least four (4) business days prior to the scheduled hearing.**
- (c) All motions for extensions of time **must include the following or they**

will not be considered:

- (i) The specific grounds for the extension;
- (ii) The number of previous extensions or continuances, if any, granted to each party;
- (iii) A statement of the impact that the requested extension or continuance would have on all other previously set deadlines;
- (iv) A proposed schedule for any other affected deadlines, to be proposed only after consulting with opposing counsel; and
- (v) A statement of whether or not opposing counsel opposes the motion in accordance with Local Civil Rule 7(m).

4. **COURTESY COPIES.** The parties shall deliver one (1) courtesy copy of any submission that is over twenty-five (25) pages in length—including all attachments and separate documents—or that includes more than one (1) exhibit to the Court Security Officer at the loading dock located at Third and C Streets (not the Clerk’s Office or Chambers). Courtesy copies shall be appropriately bound and tabbed for ease of reference.

It is **FURTHER ORDERED** that the parties shall adhere to the following schedule:

- (a) The Government shall file a response to Petitioners’ Motions for Order Granting Writ of Habeas Corpus on or before **February 16, 2018**. As part of its response to the legal arguments raised by Petitioners, the Government shall include in its response the following:
 - (i) The Government shall include a brief summary of its policy with respect to the Guantanamo Review Task Force (“Task Force”) and the Periodic Review Boards (“PRB”), including whether the Task Force, PRB, and/or another component of the Government tasked with reviewing the files of prisoners held at Guantanamo Bay, Cuba, continues to consider whether to release or transfer those prisoners, and specifically (a) whether the Government intends to transfer the Petitioners previously designated for transfer by the Task Force and/or PRB, and (b) whether the Task Force, PRB, and/or another component of the Government tasked with reviewing the files of prisoners held at Guantanamo Bay, Cuba, is presently considering releasing or transferring the Petitioners who were not previously designated for transfer.

(ii) The Government also shall include a short summary as to the detainment status of each Petitioner.

(b) Petitioners shall file their reply, if any, on or before **March 9, 2018**.

Additional dates will be set as necessary. The dates identified above are firm; the Court expects that the parties will adhere to this schedule.

SO ORDERED.

Date: January 18, 2018

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge