

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

MAJID S. KHAN,)	
)	
)	
Petitioner,)	
v.)	Civil Action No. 22-1650 (RBW)
)	
JOSEPH R. BIDEN, JR., President of the)	
United States, <u>et al.</u> ,)	
)	
Respondents.)	

ORDER

On June 7, 2022, the petitioner filed his Petition for Writ of Habeas Corpus (“Pet.” or the “habeas petition”), ECF No. 1, arguing that his continued imprisonment at the United States Naval Station at Guantanamo Bay, Cuba: (1) violates the Military Commissions Act, see Pet. ¶¶ 34–43; (2) violates the Authorization for Use of Military Force, see id. ¶¶ 44–50; (3) is invalid pursuant to the Supreme Court’s ruling in Hamdi v. Rumsfeld and the Law of War, see id. ¶¶ 51–57; (4) violates the Geneva Conventions, see id. ¶¶ 58–65; (5) violates the Eighth Amendment to the United States Constitution, see id. ¶¶ 66–68; (6) violates the Due Process Clause of the Fifth Amendment to the United States Constitution, see id. ¶¶ 69–71; (7) violates the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution, see id. ¶¶ 72–73; and (8) should be remedied pursuant to the Court’s broad statutory and equitable authority, see id. ¶¶ 74–81. Then, on July 25, 2022, the petitioner filed a Motion for Summary Order Granting Writ of Habeas Corpus and Other Relief (“Pet’r’s Mot.” or the “petitioner’s motion”), ECF No. 15. The respondents filed a response to both submissions on August 8, 2022, which included a motion to hold in abeyance briefing on certain issues. See Respondents’ Combined Response to Petition for Writ of Habeas Corpus and Petitioner’s Motion for Summary Order, and Respondents’

Motion to Hold in Abeyance Briefing on Certain Issues (“Resp’ts’ Mot.” or the “respondents’ motion to hold in abeyance”) at 1, ECF No. 19. The Court will address in this Order the respondents’ motion to hold in abeyance, see id. at 33–36, prior to any adjudication of the petitioner’s motion, see Order at 1 (Oct. 18, 2022), ECF No. 25 (denying without prejudice the petitioner’s motion pending the resolution of the respondents’ motion to hold in abeyance). Upon careful consideration of the parties’ submissions,¹ the Court concludes for the following reasons that it must deny the respondents’ motion to hold in abeyance.

In support of their motion to hold in abeyance, the respondents argue that “[i]n [l]ight of the [g]overnment’s [a]uthority to [r]esolve [the p]etitioner’s [d]etention[.]” as well as “the [o]ngoing and intensive diplomatic efforts to resettle [the p]etitioner, . . . the Court [should], at a minimum, hold in abeyance briefing on the numerous other issues concerning detention authority raised in the Petition while [the r]espondents pursue [the p]etitioner’s resettlement.” Resp’ts’ Mot. at 33. Specifically, the respondents argue that the Court should hold in abeyance briefing on the petitioner’s constitutional claims, see id. at 33–34, as well as “claims that are not expressly grounded in the Constitution [but] have constitutional dimensions because they ask the Court to define new limits on the legal scope of [e]xecutive detention authority during wartime[.]” id. at 34. Deferring briefing on these issues is appropriate, the respondents argue, because this would “prevent the Court from having to adjudicate constitutional issues . . . ahead of the necessity of doing so[.]” id. at 33 (citing cases which highlight the Supreme Court’s commitment not to reach questions of constitutionality if a case may be resolved on other

¹ In addition to the filings already identified, the Court considered the following submissions in rendering its decision: (1) the Petitioner’s Reply in Further Support of His Petition for Writ of Habeas Corpus and Motion for Summary Order Granting Writ of Habeas Corpus and Other Relief, and in Opposition to Respondents’ Cross-Motion to Hold in Abeyance Briefing on Certain Issues (“Pet’r’s Opp’n”), ECF No. 22; and (2) the Respondents’ Reply in Support of Their Motion to Hold in Abeyance Briefing on Certain Issues (“Resp’ts’ Reply”), ECF No. 23.

grounds), and “conserve the Court’s and the parties’ resources by preventing adjudication of issues the Court may never need to reach[.]” *id.* at 35. In response, the petitioner argues that the respondents’ motion is a request based “entirely on prudential grounds” which “seek[s] to avoid a legal ruling on the legality of [the petitioner’s] continued imprisonment[.]” and “[w]hatever the merits of [the r]espondents’ concerns in this regard, they provide no basis, as a matter of law, to deny [the p]etitioner his constitutionally-protected right to challenge the factual and legal basis for his continued imprisonment without further delay.” Pet’r’s Opp’n at 13.

“Typically, a district court enjoys broad discretion in managing its docket and determining the order in which a case should proceed[.]” Grimes v. District of Columbia, 794 F.3d 83, 90 (D.C. Cir. 2015), and therefore may “determine[.] in its discretion, that proceeding in [a particular] manner is an appropriate means for resolving [a] case[.]” Farrell v. Tillerson, 315 F. Supp. 3d 47, 72 n.16 (D.D.C. 2018) (Walton, J.), rev’d on other grounds sub. nom., Farrell v. Blinken, 4 F.4th 124 (D.C. Cir. 2021). See Dietz v. Bouldin, 579 U.S. 40, 47 (2016) (“[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.”); Jackson v. Finnegan, Henderson, Farabow, Garrett & Dunner, 101 F.3d 145, 151 (D.C. Cir. 1996) (“In denying [the plaintiff’s] motion to supplement, the district court exercised its prerogative to manage its docket, and its discretion to determine how best to accomplish this goal.”). Furthermore, with respect to the Court’s consideration of constitutional claims, the Supreme Court has counseled that courts “ought not to pass on questions of constitutionality . . . unless such adjudication is unavoidable.” Spector Motor Serv. v. McLaughlin, 323 U.S. 101, 105 (1944).

Here, although the respondents in this case are therefore correct that “ahead of the necessity of doing so, th[e] Court should decline to . . . adjudicat[e]” constitutional issues

presented to the Court, Resp'ts' Mot. at 36; see Spector Motor Serv., 323 U.S. at 105, without the benefit of full briefing on the constitutional issues raised by the petitioner, the Court cannot properly determine the urgency of reaching these issues.² Indeed, deferring briefing on these issues could lead to undue delay if the Court were to find it necessary to adjudicate the petitioner's constitutional claims later on, as further briefing regarding the constitutional issues raised by the plaintiff would then be required. See Dietz, 579 U.S. at 47 (stating that district courts exercise their authority to manage their dockets "with a view toward the efficient and expedient resolution of cases"). Therefore, having "determined, in its discretion, that proceeding in this manner is an appropriate means for resolving this case[.]" Farrell, 315 F. Supp. 3d at 72 n.16, considering the length of time the petitioner has been detained, the Court concludes that it must deny the respondents' motion to hold in abeyance further briefing on the petitioner's claims.

Accordingly, it is hereby

ORDERED that the Respondents' Motion to Hold in Abeyance Briefing on Certain Issues, ECF No. 19, is **DENIED**. It is further

ORDERED that on or before December 8, 2022, the respondents shall file a supplemental brief regarding any outstanding issues not addressed in their response to the petitioner's motion. It is further

ORDERED that, on or before December 22, 2022, the petitioner shall file his reply to any supplemental response filed by the respondents.

SO ORDERED this 8th day of November, 2022.

² The respondents have also not identified, and the Court has been unable to locate, any authority suggesting that holding briefing on constitutional issues in abeyance is appropriate in the context of the adjudication of a habeas petition. See generally Resp'ts' Mot. at 33–36.

REGGIE B. WALTON
United States District Judge