
IN THE SUPREME COURT OF THE UNITED STATES

LAKHDAR BOUMEDIENE, *et al.*,
Petitioners,

v.

GEORGE W. BUSH, *et al.*,
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the District of Columbia Circuit

MOTION FOR DEFERRED CONSIDERATION OF
PETITION FOR REHEARING OF ORDER DENYING CERTIORARI

Stephen H. Oleskey
Robert C. Kirsch
Mark C. Fleming
Joseph J. Mueller
Pratik A. Shah
Lynne Campbell Soutter
Jeffrey S. Gleason
Lauren G. Brunswick
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000

Seth P. Waxman
Counsel of Record
Paul R.Q. Wolfson
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave., N.W.
Washington, DC 20006
(202) 663-6000

Douglas F. Curtis
Paul M. Winke
Julian Davis Mortenson
WILMER CUTLER PICKERING
HALE AND DORR LLP
399 Park Avenue
New York, NY 10022
(212) 230-8800

RELIEF REQUESTED

Lakhdar Boumediene, Mohammed Nechla, Hadj Boudella, Belkacem Bensayah, Mustafa Ait Idir, and Saber Lahmar (collectively “Petitioners”) respectfully request that the Court defer consideration of their motion for rehearing of the order denying certiorari in *Boumediene v. Bush*, Case No. 06-1195, pending resolution of proceedings in the court of appeals under the Detainee Treatment Act of 2005, Pub. L. No. 109-148, 119 Stat. 2680 (DTA).

BASIS FOR RELIEF

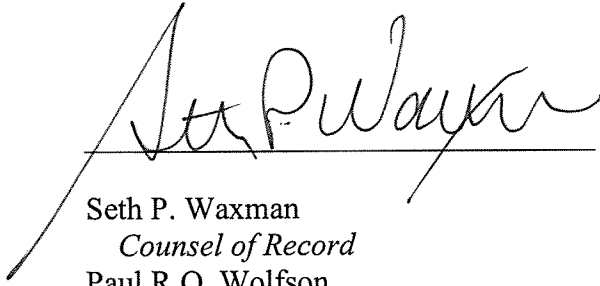
Petitioners filed petitions for habeas corpus in the United States District Court for the District of Columbia in July and August of 2004. On January 19, 2005, the district court (Leon, J.) dismissed the petitions, principally on the ground that “non-resident aliens captured and detained pursuant to [congressional authorization] have no viable constitutional basis to seek a writ of habeas corpus.” Pet. App. 63a. On February 20, 2007, a divided panel of the United States Court of Appeals for the District of Columbia Circuit vacated the lower court’s decision and remanded the case with orders to dismiss on the ground that Congress had stripped federal jurisdiction over Petitioners’ habeas cases. *Id.* at 19a-20a. On April 2, 2007, this Court denied certiorari. 127 S.Ct. 1478 (2007); see also *id.* at 1478 (statement of Stevens & Kennedy, JJ., respecting denial of certiorari); *id.* at 1479-1481 (Breyer, J., joined by Souter & Ginsburg, JJ., dissenting from denial of certiorari).

In a petition for rehearing that accompanies this motion, Petitioners have requested rehearing of the Court’s order denying certiorari in this case. For the reasons detailed in that Petition, this Court should defer its consideration of that petition. Deferral of rehearing in this case would accord with established practice in both this Court and the federal courts of appeals and would permit this Court to preserve the optimal vehicle for speedy review of the underlying

issues. Deferred consideration would cause no cognizable prejudice to Respondents, whereas terminating this Court's involvement with the case now would cause irreparable harm to Petitioners.

Petitioners therefore respectfully request that the Court defer consideration of their petition for rehearing of the order denying certiorari in *Boumediene v. Bush*, Case No. 06-1195, pending resolution of DTA proceedings in the court of appeals.

Respectfully submitted.

A handwritten signature in black ink, reading "Seth P. Waxman", is written over a horizontal line. The signature is cursive and extends above and below the line.

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