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June 16, 2008

Ms. Patricia S. Connor
Clerk, United States Court of Appeals
for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Re: Al-Marri v. Pucciarelli, No. 06-7427 (argued en banc Oct. 31, 2007)

Dear Ms. Connor:

Appellant submits this letter, pursuant to Federal Rule of Appellate Procedure 28(j), to advise the Court of supplemental authority. On June 12, 2008, the United States Supreme Court ruled that Section 7 of Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat. 2600 ("MCA"), "effects an unconstitutional suspension of the writ [of habeas corpus]." *Boumediene v. Bush*, __ S. Ct. __, Nos. 06-1195, 06-1196, 2008 WL 2369628, at *44 (U.S. Sup. Ct. June 12, 2008).

As Appellant has argued, and as the panel found, Section 7 of the MCA never applied to Appellant as a matter of statutory construction. Appellant's Resp. to Mot. to Dismiss at 8-33; *Al-Marri v. Wright*, 487 F.3d 160, 167-73 (4th Cir. 2007). But even if Section 7 did apply to Appellant, it is unconstitutional and, therefore, does not eliminate jurisdiction over Appellant's habeas corpus petition. Accordingly, the government's motion to dismiss the appeal must be denied.

Respectfully submitted,



Jonathan Hafetz

cc: Gregory G. Garre, Esq.
Eric Miller, Esq.