

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED

OCT 5 2004

LARRY W. PROPPES, CLERK
CHARLESTON, SC

ALI SALEH KAHLAH AL-MARRI,)
et al.,)
)
Petitioner,)
)
)
vs.)
)
C.T. HANFT, Commander, Naval)
Consolidated Brig, 1050 Remount Road,)
North Charleston, South Carolina)
)
Respondent.)
_____)

C/A: 2:04-2257-26AJ

**NOTICE OF MOTION AND MOTION
FOR EXTENSION OF TIME FOR
PETITIONER TO REPLY**

PLEASE TAKE NOTICE that Petitioner, Ali Saleh Kahlah al-Marri, by and through his undersigned attorneys, hereby moves this honorable Court under Rule 6(b) of the Federal Rules of Civil Procedure for an Order enlarging the time for the Petitioner to file a Reply until fifteen (15) days after counsel has been permitted to consult with the Petitioner. In support of this motion, Petitioner relies upon the following:

1. Petitioner has been detained as an "enemy combatant" at the Naval Consolidated Brig in North Charleston, South Carolina, since June 23, 2003. Counsel has not been permitted to meet or speak with Petitioner since that date.
2. On July 8, 2004, Petitioner filed the instant action seeking a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.
3. The Government filed a return in this case on September 9, 2004, which contains allegations and documentation that have been designated as classified materials.

4. Counsel for the Petitioner timely submitted security applications, but only recently received the necessary security clearance to meet with the Petitioner and review the classified materials included in the Government's return.
5. Petitioner's counsel in New Jersey has asked the Government to make arrangements for counsel to review the classified material included in the Government's return at the FBI offices in Newark, New Jersey. The Government has indicated that it will endeavor to do so, but such arrangements have not yet been put in place.
6. Although the Government has previously indicated that it will allow counsel to meet with the Petitioner, no specific date has yet been set by the Government for such a meeting, nor has the Government yet provided defense counsel with the special administrative measures under which any such meeting will be allowed to take place. Recent discussions with counsel for the Government indicate that arrangements may be made by the Government which will allow counsel to meet with Petitioner during the week of October 11, 2004.
7. Counsel for the Petitioner has consulted with David Salmons, counsel for the Government, who does not object to the Petitioner's request.

For these reasons, the Court should grant Petitioner an extension of time to reply to the Government's return, not to exceed fifteen (15) days after Petitioner is permitted to consult with his counsel.

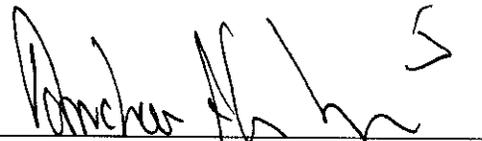
Respectfully submitted,

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ATTORNEYS FOR PETITIONER

BY:

A handwritten signature in black ink, appearing to read "Andrew J. Savage, III", is written over a horizontal line. To the right of the signature, there is a handwritten number "5".

ANDREW J. SAVAGE, III
Federal ID Number: 3734

Charleston, South Carolina

October 5, 2004.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

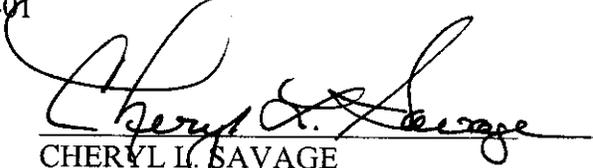
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C.T. HANFT, Commander, Naval)
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North Charleston, South Carolina)
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C/A: 2:04-2257-26AJ

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of a Notice of Motion and Motion for Extension of Time for Petitioner to Reply has been served upon Miller W. Shealy, Jr., by hand-delivering a filed copy of same this 5th day of October, 2004, at his current address listed below:

Miller W. Shealy, Jr.
Assistant United States Attorney
151 Meeting Street, Suite 200
Charleston, SC 29401


CHERYL L. SAVAGE

SWORN TO and SUBSCRIBED BEFORE me this

5 day of October, 2004.

 (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 1-13-2008