

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

_____)	
FADI AL MAQALEH, <i>et al.</i> ,)	
)	
Petitioners,)	
v.)	Civil Action No. 06-1669
)	
ROBERT GATES, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	
HAJI WAZIR, <i>et al.</i> ,)	
)	
Petitioners,)	
v.)	Civil Action No. 06-1697
)	
ROBERT GATES, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	
AMIN AL BAKRI, <i>et al.</i> ,)	
)	
Petitioners,)	
v.)	Civil Action No. 08-1307
)	
BARACK H. OBAMA, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	
REDHA AL-NAJAR, <i>et al.</i> ,)	
)	
Petitioners,)	
v.)	Civil Action No. 08-2143
)	
ROBERT GATES, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

**GOVERNMENT'S RESPONSE TO
THIS COURT'S ORDER OF JANUARY 22, 2009**

This Court's Order of January 22, 2009 invited the Government to inform the Court by February 20, 2009, whether it intends to refine its position on whether the Court has jurisdiction over habeas petitions filed by detainees held at the United States military base in Bagram, Afghanistan. Having considered the matter, the Government adheres to its previously articulated position.

Dated: February 20, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

/s/ Jean Lin
JOSEPH H. HUNT (D.C. Bar No. 431134)
VINCENT M. GARVEY (D.C. Bar No. 127191)
TERRY M. HENRY
JEAN LIN
Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel: (202) 514-3716
Attorneys for Respondents