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8/15/07 J. C. [Signature]
DATE

No. 07-_____ 07-1324

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

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA
FILED
AUG 15 2007
CLERK

MAJID KHAN,
PRISONER, Guantánamo Bay Naval Station, Guantánamo Bay, Cuba,

RABIA KHAN,
NEXT FRIEND of Majid Khan,
Petitioners/Plaintiffs,

v.

ROBERT M. GATES,
SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA,
Respondents/Defendants.

**PETITION FOR IMMEDIATE RELEASE AND OTHER
RELIEF UNDER THE DETAINEE TREATMENT ACT OF 2005,
AND, IN THE ALTERNATIVE, FOR WRIT OF HABEAS CORPUS**

CENTER FOR CONSTITUTIONAL RIGHTS
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August 14, 2007

Majid Khan hereby petitions the Court for review, pursuant to § 1005(e)(2) of the Detainee Treatment Act of 2005, Pub. L. No. 109-148, 119 Stat. 2680, 2742 (2005) (codified at 10 U.S.C. § 801 note (supp. 2007)), of the following decisions:

- (1) The decision of the Combatant Status Review Tribunal, entered on or before August 9, 2007, designating Petitioner as an “enemy combatant;”
- (2) The decision of the Legal Advisor to the Combatant Status Review Tribunals, entered on or before August 9, 2007, finding the proceedings and decision of the Tribunal to be “legally sufficient;”
- (3) The decision of the Director, Combatant Status Review Tribunals, entered on or before August 9, 2007, concurring in the decision of the Combatant Status Review Tribunal designating Petitioner as an “enemy combatant;”
- (4) The decisions of all Administrative Review Boards affirming Petitioner’s designation as an “enemy combatant.”

These decisions are invalid because they are inconsistent with the standards and procedures of the Combatant Status Review Tribunals. In addition, they are invalid because the standards and procedures used in Petitioner’s Combatant Status Review Tribunal, including its attempt to exercise jurisdiction over Petitioner, are inconsistent with the Constitution and laws of the United States.

In light of the developing nature of the law surrounding the Detainee Treatment Act of 2005 and of the novel nature of proceedings under that Act in this Court, Petitioner reserves all arguments against the validity of the above-referenced decisions designating him as an “enemy combatant.” In particular,

Petitioner reserves all arguments based on the applicability of any and all provisions of the Constitution, and reserves his constitutional right to pursue his petition for writ of habeas corpus in the United States District Court for the District of Columbia, *Khan v. Bush*, Civil Action No. 06-1690.

Dated: New York, New York
August 14, 2007

Respectfully submitted,

CENTER FOR CONSTITUTIONAL RIGHTS

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2007, I filed and served the foregoing Petition for Immediate Release and Other Relief under the Detainee Treatment Act of 2005, and, in the Alternative, for Writ of Habeas Corpus by causing an original and six copies to be delivered to the Court Security Office via overnight mail.

I further certify that upon receiving clearance from the Court Security Office, one copy of this Petition will also be forwarded to each of the following counsel for Respondents by U.S. Mail.

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