

**From:** Koh, Harold H  
**Subject:** Re: GTMO: Qahtani (ISN 063) v. Biden (DDC) Draft Reply Brief: time sensitive  
**To:** Newman, David A. (ODAG)  
**Cc:** Cedarbaum, Who; Ashley Deeks; (b)(6) Meredith Johnston (NSC); Finer, Jon J. EOP/WHO; Goodlander, Margaret V. (OAG); Visek, Richard C; Dorosin, Joshua L; (b)(6) per State; (b)(6) per State; (b)(6) Cara Abercrombie (NSC); (b)(6) John Frick (NSC); (b)(6) per DOL; Sullivan, Thomas D; Sullivan, Who; Netter, Brian (CIV); (b)(6) per State; Stuart F. EOP Delery; Jeffrey G. EOP Palomino; Swingle, Sharon (CIV); Swartz, Bruce (CRM); Chollet, Derek H  
**Sent:** May 21, 2021 10:35 AM (UTC-04:00)

I read the letter and note that (b) (5)

I assume now from these latest developments that (b) (5)

We should also discuss (b) (5)

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**From:** Newman, David A. (ODAG) <(b) (6)>  
**Sent:** Friday, May 21, 2021 10:20 AM  
**To:** Koh, Harold H <(b)(6) per State @state.gov>  
**Cc:** Newman, David A. (ODAG) <(b) (6)>; Cedarbaum, Who <(b) (6)>; Ashley Deeks <(b) (6)>; (b)(6) Meredith Johnston (NSC); Finer, Jon J. EOP/WHO <(b) (6)>; Goodlander, Margaret V. (OAG) <(b) (6)>; Visek, Richard C <(b)(6) per State @state.gov>; Dorosin, Joshua L <(b)(6) per State @state.gov>; (b)(6) per State <(b)(6) per State @state.gov>; (b)(6) Cara Abercrombie (NSC); (b)(6) John Frick (NSC); (b)(6) per DOD; Sullivan, Thomas D <(b)(6) per State @state.gov>; Sullivan, Who <(b) (6)>; Netter, Brian (CIV) <(b) (6)>; (b)(6) per State <(b)(6) per State @state.gov>; Stuart F. EOP Delery <(b) (6)>; Jeffrey G. EOP Palomino <(b) (6)>; Swingle, Sharon (CIV) <(b) (6)>; (U) Swartz, Bruce <(b) (6)>; Chollet, Derek H <(b)(6) per State @state.gov>  
**Subject:** Re: GTMO: Qahtani (ISN 063) v. Biden (DDC) Draft Reply Brief: time sensitive

Thanks for the note, Harold. Appreciate all your efforts.

Just to update: DOJ has received consent from the detainee's counsel for an extension to file until June 10, 2021 — with the possibility of a further extension. We will be advising the court of that agreement imminently.

On May 21, 2021, at 5:55 AM, Koh, Harold H <(b)(6) per State @state.gov> wrote:

Ok. Thanks for the clarification, David.

(b)(5)

Thanks for all you are doing  
Best  
Harold

**From:** Newman, David A. (ODAG)(b) (6)  
**Sent:** Thursday, May 20, 2021 11:22 PM  
**To:** Koh, Harold H (b)(6) per State @state.gov>  
**Cc:** Cedarbaum, Who(b) (6); Ashley Deeks(b) (6);  
(b)(6) Meredith Johnston (NSC); Finer, Jon J. EOP/WHO  
(b) (6); Goodlander, Margaret V. (OAG) <(b) (6)> Newman, David A.  
(ODAG)(b) (6); Visek, Richard C (b)(6) per State @state.gov>; Dorosin, Joshua L  
(b)(6) per State @state.gov>;(b)(6) per State @state.gov>;(b)(6) per State @state.gov>;  
(b)(6) Cara Abercrombie (NSC); (b)(6) John Frick (NSC)  
(b)(6) per DOD Sullivan, Thomas D  
(b)(6) per State @state.gov>; Sullivan, Who(b) (6); Netter, Brian (CIV)(b) (6);  
(b)(6) per State @state.gov>; Stuart F. EOP Delery(b) (6); Jeffrey G. EOP Palomino  
(b) (6); Swingle, Sharon (CIV)(b) (6); (U) Swartz, Bruce  
(b) (6); Chollet, Derek H (b)(6) per State @state.gov>  
**Subject:** Re: GTMO: Qahtani (ISN 063) v. Biden (DDC) Draft Reply Brief: time sensitive

Harold —

We fully appreciate (b) (5)

As was suggested in Terry's email, DOJ is asking opposing counsel for consent to a two-week extension on a different basis (with the possibility of a further extension) — and we hope to hear back from counsel in the morning.

In the interim, DOJ circulated the draft brief in an abundance of caution given the looming filing deadline, even as we are continuing to engage with opposing counsel on another way forward.

—David

On May 20, 2021, at 10:26 PM, Koh, Harold H (b)(6) per State @state.gov> wrote:

Cara: (b) (5) about this ASAP at OOB tomw (filing date at DCDC?)

(b) (5)

Hongju Koh  
(b)(6) per State @state.gov  
(b)(6) per State

On May 20, 2021, at 21:54, (b)(6) per State @state.gov> wrote:

All,  
See the message below from DOJ regarding the possibility that they may need

to file the brief in Qahtani's case tomorrow. Does Terry's message below reflect the IALG discussion yesterday?

I plan to review the brief first thing tomorrow morning.

(b)(6) per State

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Sent from [Workspace ONE Boxer](#)

----- Forwarded message -----

**From:** Henry, Terry (CIV) (b) (6)  
**Date:** May 20, 2021 at 9:42:20 PM EDT  
**Subject:** GTMO: Qahtani (ISN 063) v. Biden (DDC) Draft Reply Brief  
**To:** (b)(6) per DOD

(b)(6) per DOD Urrutia, Christian SES (USA)  
(b)(6) per State

@state.gov> (b)(6), (b)(7)(C), (b)(7)(E) per FBI

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

**Cc:** Swingle, Sharon (CIV) (b) (6), Shih, Michael  
(CIV) (b) (6), Netter, Brian (CIV)  
(b) (6), Haas, Alex (CIV)  
(b) (6), Newman, David A. (ODAG)  
(b) (6), Sur, Indraneel (CIV)  
(b) (6), Barish, Daniel (CIV) (b) (6)

All:

As you may know, in the Qahtani (ISN 063) GTMO habeas case, the Government's reply brief in support of its January 15, 2021 motion for reconsideration of the court's order requiring that Qahtani receive a mixed medical commission review is due tomorrow, May 21, 2021. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Sorry for the short suspense.

Many thanks.

Terry

<image003.jpg> Terry M. Henry  
Assistant Branch Director  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
Tel. (b) (6)

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<63 2021-05-20 2006 resp recon reply draft 9pm.docx>