

[ORAL ARGUMENT NOT YET SCHEDULED]

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

_____	x
	:
MOHAMMED SULAYMON BARRE,	:
	:
Appellant,	:
	:
v.	: No. 10-5203
	:
BARACK OBAMA, <i>et al.</i> ,	:
	:
Appellees.	:
	:
_____	x

**APPELLANT’S OPPOSITION TO GOVERNMENT
MOTION FOR SUMMARY AFFIRMANCE**

Appellant Mohammed Sulaymon Barre respectfully submits this response in opposition to the government’s Motion for Summary Affirmance (Doc. # 1326523, filed August 29, 2011). The government’s request for summary affirmance should be rejected for the reasons set forth in Appellant Barre’s Motion to Govern (Doc. # 1326617, filed August 30, 2011¹).

¹ Due to the failure of the Appellate ECF system on the evening of August 29, 2011, counsel, following instruction from the Clerk’s Office, filed their Motion to Govern via ECF on the morning of August 30.

The government's response to Barre's Motion to Govern, filed today (Doc. # 1328603), recognizes that the *Gul* panel proceeded as if the collateral consequences doctrine applies to these habeas petitions. In its Motion for Summary Affirmance, the government noted that the *Gul* Court considered and "rejected each category" of the *Gul* petitioners' claimed collateral consequences.² Such a fact-specific analysis of individualized claims of collateral consequences has never taken place in this case.³ To give just one example, as Barre noted in his Motion to Govern, the government has refused to provide an OFAC license to Barre's counsel to provide various forms of support to him aimed at facilitating his readjustment to life after Guantánamo. Instead, the government responded to counsel's request with a letter containing a warning that counsel could not "engage in transactions with persons or entities owned or controlled by or acting on behalf of" any designated terrorist organization. In light of the fact that the government accused every detainee at Guantánamo of some degree of association with designated organizations like the Taliban and/or al Qaeda, and then denied them the chance to clear their names in habeas by seeking dismissal after their release, the clear implication is that counsel or similarly-inclined third parties would risk criminal sanctions for providing any assistance to Barre based on his detention at Guantánamo

² See Motion for Summary Affirmance at 9-10.

³ The district court dismissed in a one-sentence judgment relying entirely on Judge Hogan's opinion of April 1, 2010. See Judgment, Dkt. 174, *Barre v Obama*, Civ. Action No. 08-1153 (D.D.C. April 30, 2010).

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