

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-827

UNITED STATES, PETITIONER

v.

ZAYN AL-ABIDIN MUHAMMAD HUSAYN, AKA ABU ZUBAYDAH, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rules 21 and 26.8 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully seeks leave to dispense with the requirement of a joint appendix in this case. The question presented in this case is whether the court of appeals erred when it rejected the United States' assertion of the state-secrets privilege based on the court's own assessment of potential harms to the national security, and required discovery to proceed further under 28 U.S.C. 1782(a) against former Central Intelligence Agency (CIA) contractors on matters concerning alleged clandestine CIA activities. The opinions of the court of

appeals, the orders of the district court, respondents' application for a discovery order, and the declarations asserting the state secrets privilege are included in the appendix to the petition for a writ of certiorari. In our view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of the case. We are authorized to state that respondents agree that a joint appendix is not necessary.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General
Counsel of Record

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