

No. 20-888

IN THE SUPREME COURT OF THE UNITED STATES

ABDUL RAZAK ALI,
Petitioner,

v.

DONALD J. TRUMP, ET AL.,
Respondent.

MOTION TO DEFER CONSIDERATION
OF THE PETITION FOR CERTIORARI

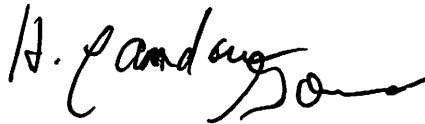
Pursuant to Rule 21 of the Rules of this Court, Petitioner Abdul Razak Ali, respectfully moves this Court to defer consideration of his Petition for Certiorari, currently scheduled for consideration at the Court's May 13, 2021 conference, until the D.C. Circuit sitting *en banc*, decides the related petition in *Al Hela v. Trump*, 972 F.3rd 120. In support of this motion, Mr. Ali states the following:

On April 23rd, 2021 the court of appeals for the D.C. Circuit, sitting *en banc*, vacated the panel opinion in *Al-Hela v. Trump* 972 F. 3rd 120. (The order granting rehearing *en banc* is attached hereto.) That case is now scheduled for rehearing *en banc* on the sole question of "whether the petitioner-appellate [Al Hela] is entitled to relief on his claims under the Due Process Clause." Al Hela had raised both substantive and procedural due process claim; both set of claims were similar to those raised by Petitioner Ali. (See *Al Hela*, 972 F3rd at 140-50 (detailing claims)).

As the D.C. Circuit is the only Circuit to hear Guantanamo cases and in light of the fact that the question presented to this Court by Petitioner is effectively identical to the question now pending rehearing *en banc* in the court of appeals, Petitioner requests that this Court hold his Petition for Certiorari, deferring consideration of it until a resolution of *Al Hela* by the D.C. Circuit. See Stephen M. Shapiro, et al., Supreme Court Practice, §5.9 (11th Ed. 2019)(Citing cases).

The government opposes this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Candace Gorman", with a stylized flourish at the end.

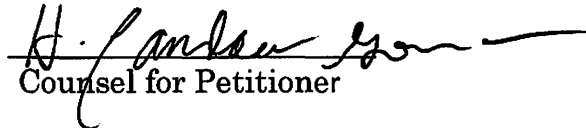
Attorney for Petitioner

H. CANDACE GORMAN
Law office of H. Candace Gorman
1509 W. Berwyn Ave.
Suite 207
Chicago, Il. 60640

NOTICE OF FILING AND CERTIFICATE OF SERVICE

A copy of this Motion to defer consideration of the petition for Certiorari has been e-filed this 27th day of April, 2021 with an original and two copies being sent by Priority Mail Express to this Court. A copy is also tendered by email and by US Mail to:

Benjamin W. Snyder
Assistant to the Solicitor General
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312.427.2313

Al-Hela *en banc* order

April 23, 2021

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5079**September Term, 2020****1:05-cv-01048-UNA****Filed On: April 23, 2021**

Abdulsalam Ali Abdulrahman Al-Hela,
Detainee Camp Delta, also known as Abd
Al-Salam Ali Al-Hila and Abdulwahab Ali
Abdulrahman Al-Hela, As Next Friend of
Abdulsalam Ali Abdulrahman Al-Hela,

Appellants

v.

Joseph R. Biden, Jr., President of the United
States, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge; and Henderson, Rogers, Tatel, Millett,
Pillard, Wilkins, Katsas*, Rao, and Walker, Circuit Judges

ORDER

Upon consideration of petitioner-appellant Abdulsalam Ali Abdulrahman Al-Hela's petition for rehearing en banc, the response thereto, and the vote in favor of the petition by a majority of judges eligible to participate, it is

ORDERED that the petition for rehearing en banc be granted. It is

FURTHER ORDERED that the judgment filed August 28, 2020, be vacated. It is

FURTHER ORDERED that this case be scheduled for oral argument before the en banc court on Thursday, September 30, 2021, at 9:30 a.m. It is

* Circuit Judge Katsas did not participate in this matter.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5079**September Term, 2020**

FURTHER ORDERED that, in addition to filing briefs electronically, the parties file 30 paper copies of each of their briefs and appendix, in accordance with the following schedule:

Brief for Petitioner-Appellant	June 2, 2021
Appendix	June 2, 2021
Brief(s) for Amici Curiae, if any in support of Petitioner-Appellant	June 9, 2021
Brief for Respondents	July 9, 2021
Brief(s) for Amici Curiae, if any in support of Respondents	July 16, 2021
Reply Brief for Petitioner-Appellant	August 6, 2021

The parties are directed to limit briefing to the question of whether petitioner-appellant is entitled to relief on his claims under the Due Process Clause.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 41 (2017); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Because the briefing schedule is keyed to the date of oral argument, the court will grant requests for extension of time limits only for extraordinarily compelling reasons. The briefs and appendix must contain the date the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

A separate order will issue allocating oral argument time.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk