

UNCLASSIFIED//FOR PUBLIC RELEASE
MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

<p>UNITED STATES OF AMERICA</p> <p>v.</p> <p>ABD AL HADI AL-IRAQI</p>	<p>AE 023G</p> <p>RULING</p> <p>DEFENSE MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME</p> <p>MR. AL-IRAQI'S RESPONSE TO THE GOVERNMENT'S EX PARTE AND IN CAMERA UNDER SEAL MOTION FOR A PROTECTIVE ORDER PURSUANT TO THE MILITARY COMMISSIONS ACT OF 2009, 10 U.S.C. 949p-4, AND MILITARY COMMISSIONS RULE OF EVIDENCE 505</p> <p>2 February 2016</p>
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1. On 1 February 2016, the Defense filed a motion for leave to file a response to AE 023E out of time. The Defense requested one additional day to file their response. (AE 023F at 2). The Government did not object to the Defense request. (AE 023F at 4).

2. The Defense request to file a response to AE 023E out of time is hereby **GRANTED**.¹ The Defense has until **3 February 2016** to file their response. The Defense will use **AE 023H** for the designation to file.

So **ORDERED** this 2nd day of February, 2016.

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J. K. WAITS
CAPT, JAGC, USN
Military Judge

¹ The Commission notes there is no rule of court that tolls the deadlines established in Military Commission Rule of Court (RC) 3 for federal government closures or delayed start times. Analogizing the closure of the federal government to a federal holiday, in accordance with RC 3.6.c, if a filing is due on a day on which the federal government is closed, the filing will be due on the next business day following the closure. If circumstances surrounding a federal government closure or delayed start affect a party's ability to file a motion within a deadline, the specific circumstances must be articulated in the request to file out of time.