MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL-AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI	**AE 502-21 (MFL)(KSM)** **Mr. Mohammad's Motion for Leave to** File Out-of-Time Notice of Declination of Joinder 8 May 2019

1. **Timeliness**. This motion for leave is timely filed.

2. **Relief Sought**. Pursuant to RC 3.5.i.(2),[1] Mr. Mohammad respectfully requests leave to file out of time a Notice of Declination of Joinder to AE502HHHH (AAA), Mr. al Baluchi's Motion to Reconsider AE502BBBB Ruling, filed 24 April 2019.

3. **Burden of Proof**. The defense bears the burden of persuasion on this Motion for Leave.

4. **Facts**.

   a. On 24 April 2019, Mr. al Baluchi filed AE 502HHHH.

5. **Law and Argument**. Mr. Mohammad wishes to decline joinder to AE 502HHHH. Rule of Court 3.5.i.(2) requires a motion for leave to file out of time if more than seven calendar days have elapsed since the filing of the initial motion. The seven-day period ended on 1 May 2019.

6. **Request for Oral Argument**: Not requested.

7. **Request for Witnesses**: None.

8. **Conference with Opposing Counsel**: Not required under RC 3.5.i.(3).

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[1] Rule 3.5.i.(2) of the Military Commissions Trial Judiciary Rules of Court, as modified by CHANGE #1 to Military Commission Rules of Court, 2 March 2017.

9. **Attachments**:

      A. Certificate of Service

Respectfully submitted,

//s//	//s//
DAVID Z. NEVIN	GARY D. SOWARDS
Learned Counsel	Defense Counsel
//s//	//s//
DEREK A. POTEET	RITA J. RADOSTITZ
LtCol, U.S. Marine Corps	Defense Counsel
Defense Counsel	

Counsel for Mr. Mohammad

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Attachment A

CERTIFICATE OF SERVICE

I certify that on the 8th day of May 2019, I electronically filed the foregoing document with the Chief Clerk of the Military Commissions Trial Judiciary and served the foregoing on all counsel of record by electronic mail.

//s//
David Z. Nevin
Learned Counsel