

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE,

Petitioner,

v.

No. 17-cv-2069 (TSC)

GEN. JAMES N. MATTIS,
in his official capacity as SECRETARY OF
DEFENSE,

Respondent.

**PETITIONER’S NOTICE TO THE COURT CONCERNING
RESPONDENT’S SEALED FILING (ECF NO. 65)**

Petitioner respectfully submits this notice concerning Respondent’s sealed filing (ECF No. 65). Prior to the filing, the government informed Petitioner’s counsel that certain information in the government’s declaration concerning the transfer of Petitioner to a third country (previously filed *ex parte* and redacted from the sealed version filed as ECF No. 45) has been declassified, and that the government would file under seal a new version of that declaration making the previously classified information available to counsel for Petitioner.¹ The government did not disclose the substance of this information to Petitioner’s counsel but informed counsel that the information would be designated as “protected” pursuant to a protective order being negotiated by the parties.

Petitioner’s counsel have informed the government, and now respectfully inform the Court, that at this time, they will not read the sealed filing, ECF No. 65, in order to continue to

¹ The government has also filed a public version of the declaration, ECF No. 64, and Petitioner has filed a public version of his response to the government’s declaration, ECF No. 67.

freely engage in representing Petitioner based on information Petitioner's counsel obtained independently of, and possessed previous to, the government filing. If at some future time Petitioner's counsel intend to read ECF No. 65, they will file a notice informing the Court and the government at that time.

Dated: February 15, 2018

Respectfully submitted,

Arthur B. Spitzer (D.C. Bar No. 235960)
American Civil Liberties Union
of the District of Columbia
915 15th Street, NW, 2nd Floor
Washington, DC 20005
Tel: 202-457-0800
Fax: 202-457-0805
aspitzer@acludc.org

/s/ Jonathan Hafetz
Jonathan Hafetz (D.C. Bar No. NY0251)
Brett Max Kaufman (D.C. Bar No. NY0224)
Hina Shamsi (D.C. Bar No. MI0071)
Dror Ladin (*pro hac vice*)
Anna Diakun
American Civil Liberties Union Foundation
125 Broad Street—18th Floor
New York, New York 10004
Tel: 212-549-2500
Fax: 212-549-2654
jhafetz@aclu.org
bkaufman@aclu.org
hshamsi@aclu.org
dladin@aclu.org
adiakun@aclu.org

Counsel for Petitioner