FOR THE DISTRICT OF COLUMBIA	
JOHN DOE,	)
Petitioner,	
<b>v.</b>	) Civil Action No. 1:17-cv-2069 (TSC)
GEN. JAMES N. MATTIS, in his official capacity as SECRETARY OF DEFENSE,	) ) )

IN THE UNITED STATES DISTRICT COURT

## RESPONDENT'S NOTICE PURSUANT TO THE COURT'S JANUARY 23, 2018 ORDER

)

Respondent.

Pursuant to the Court's January 23, 2018 Order (ECF No. 52), Respondent hereby gives notice that the United States intends to relinquish custody of Petitioner John Doe and no sooner than 72 hours hence. Specifically, Petitioner will be transferred to the control of hours hence intends to intends to

<sup>&</sup>lt;sup>1</sup> This filing in compliance with the Court's order is made without prejudice to Respondent's position, previously advanced before this Court and currently before the Court of Appeals, that the Court lacks authority to impose a notice requirement in connection with Petitioner's transfer.

Consistent with previous filings in this Court and the Court of Appeals, this notice and the attached declaration are filed under seal in order to protect the identity of Petitioner and the identity of before transfer occurs, as well as the substance of diplomatic communications. *See* Decl. ¶ 11; ECF No. 38 (Jan. 12, 2018 Order). Previous filings have also protected the identity of countries to which Petitioner may be transferred so as not to harm diplomatic discussions with those countries.

April 16, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
JESSIE K. LIU
United States Attorney
TERRY M. HENRY
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer
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Attorneys for Respondent

## **CERTIFICATE OF SERVICE**

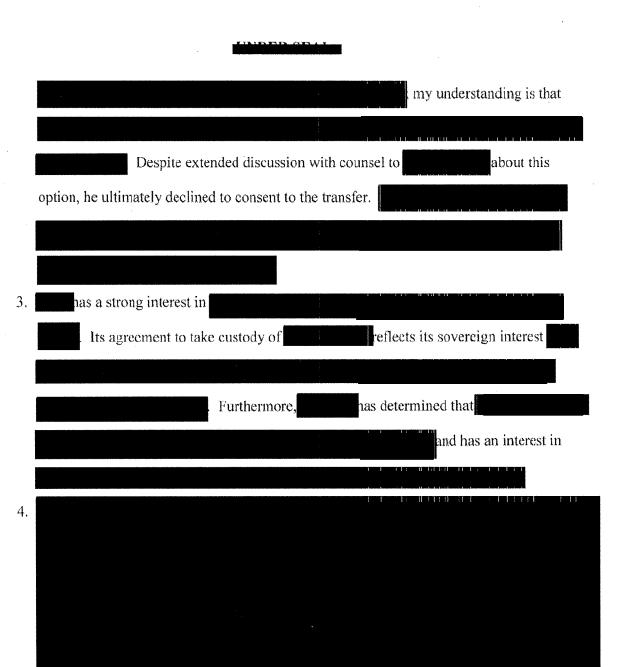
I hereby certify that this document filed under seal, along with attachments, will be served today by email on counsel for Petitioner.

/s/ Kathryn L. Wyer

## LINIDED CEAL

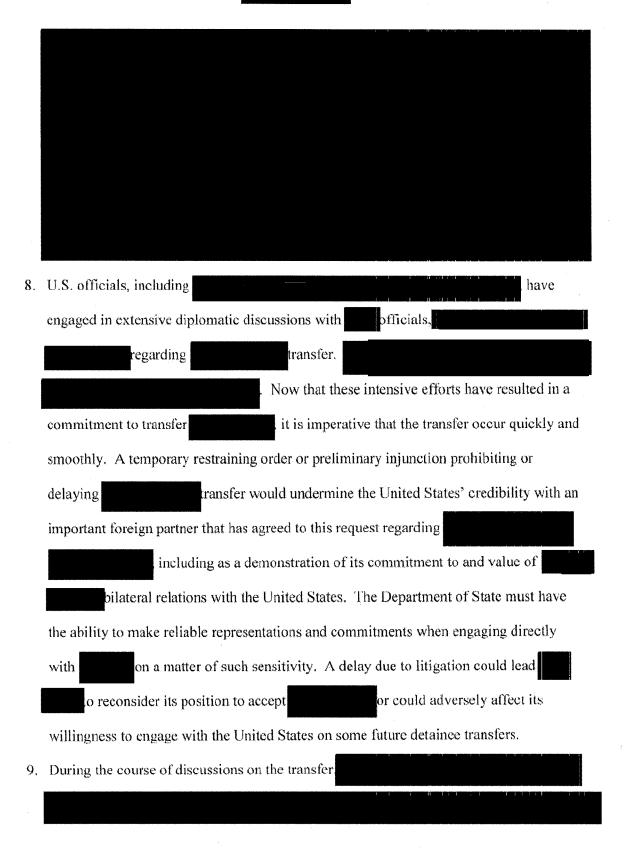
Declara	ation of
I,	pursuant to 28 U.S.C. § 1746, hereby declare and say as follows:
1.	I have been at the U.S.  Department of State since In my capacity as Deputy Assistant
į	Secretary, I am responsible for coordinating U.S. foreign policy for the
·	
	. The information herein is based upon my personal
	knowledge and upon information made available to me in the performance of my official
	duties.
2.	In a March 6, 2018 call with current
	, confirmed
	had agreed to accept the transfer of
	and provided assurances that
1	

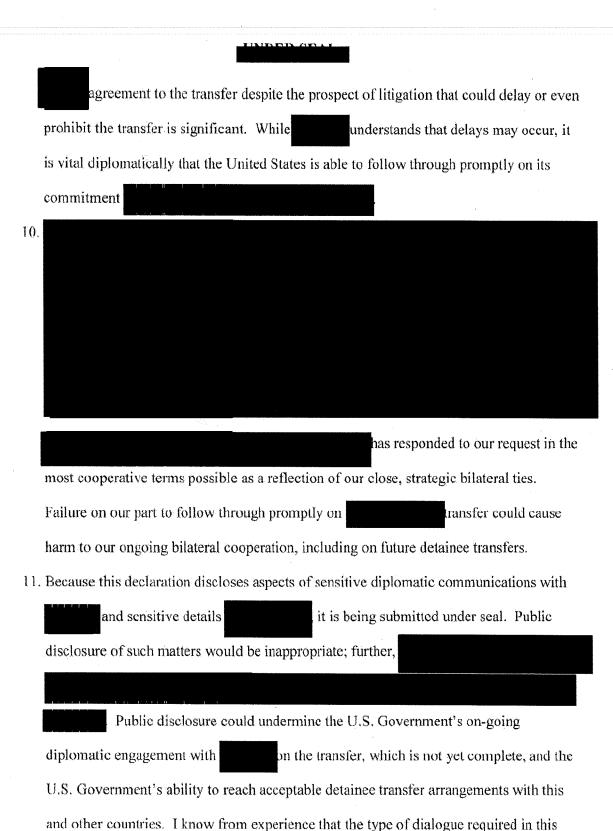
Consistent with my January 19, 2018 declaration in this case, transfer of to is being undertaken consistent with the policy of the United States not to effect the involuntary transfer of a person, regardless of whether the person is physically present in the United States, to a country where the United States has determined that it is more likely than not that the person would be tortured.



5. 6. 7.

## UNDED CEAL





context can only occur in a confidential setting, and typically only within government-to-

government channels. Even in circumstances in which the content of diplomatic discussions is the subject of public speculation or conjecture, or even is inappropriately made public by non-governmental actors, it is important that the United States honor its commitment to keep these discussions confidential in order to avoid the harms discussed

I declare under the penalty of perjury that the foregoing is true and correct Executed on April 16, 2018

above.

