



U.S. Department of Justice  
Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

June 30, 2008

Ms. Patricia S. Connor  
Clerk  
United States Court of Appeals  
for the Fourth Circuit  
1100 East Main Street, Suite 501  
Richmond, Virginia 23221-3517

**Re: *Al-Marri v. Pucciarelli*, No. 06-7427**

Dear Ms. Connor:

This letter responds to appellant's letter dated June 16, 2008, pursuant to Federal Rule of Appellate Procedure 28(j). In that letter, appellant contends that Section 7 of the Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat. 2600 (MCA), is unconstitutional and therefore does not eliminate jurisdiction over his habeas corpus petition. In light of the Supreme Court's recent decision in *Boumediene v. Bush*, Nos. 06-1195 & 06-1196 (decided June 12, 2008), the United States now agrees that this Court has jurisdiction over appellant's habeas corpus petition.

Thank you for your kind assistance in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gregory G. Garre".

Gregory G. Garre  
Counsel for Appellee

cc: Jonathan Hafetz, Esq.  
Counsel for Appellant

## **CERTIFICATE OF SERVICE**

### **All Case Participants Are CM/ECF Participants**

I hereby certify that on June 30, 2008 \_\_\_\_\_, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Jonathan L. Hafetz

s/ Sameer Yerawadekar