



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 232219-3517

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