IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

MARC HALL,

Petitioner,

v.

JOHN McHUGH, in his official capacity as SECRETARY OF THE ARMY and MAJOR GENERAL JEFFREY PHILLIPS, in his official capacity as SENIOR COMMANDER FORT STEWART

Respondents.

MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, through his undersigned counsel, moves this Court for an immediate temporary restraining order prohibiting respondents, or any of their subordinates, from transferring or deploying him outside the jurisdiction of this Court pending a final order in this matter. As grounds, he states:

1. Petitioner has filed a petition for writ of habeas corpus alleging that respondents are going to move him to the jurisdiction of the Multi-National Division Baghdad (MNDB) in Iraq to be court martialed for alleged threats he made while a member of the United States Army stationed in Fort Stewart, Georgia within the jurisdiction of this Court.

2. The petition for writ of habeas corpus alleges significant deprivations of

both petitioner's constitutional rights and of rights secured by Army regulation. These claims are entitled to a full and fair hearing.

3. On information and belief, the Army is contemplating moving petitioner on Tuesday, February 16 and will do so unless enjoined by this Court. If petitioner is moved before his petition is fully heard, he will suffer irreparable injury, since the petition is seeking a determination that his court martial should take place at Fort Stewart and not in Iraq.

4. Petitioner's counsel has advised respondents of the pendency of this action by emailing copies of the petition for writ of habeas corpus with attachments, this motion and the memorandum of law supporting both to the following addresses:

Office of the Administrative Assistant to the Secretary of the Army
OAACommunicationsPOC@conus.army.mil

Edward J. Tarver, United States Attorney
edward.tarver@usdoj.gov

5. Counsel has not been able to determine the email address of the Staff Judge Advocate at Fort Stewart, Georgia because the office was closed, but will call on the morning of February 16 and email the documents as soon as it is ascertained.

/s/ John P. Batson

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