



LAWRENCE S. LUSTBERG  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct: (973) 596-4731 Fax: (973) 639-6285  
llustberg@gibbonslaw.com

January 30, 2019

By FedEx Overnight Delivery

Honorable Jose L. Linares  
Chief Judge, United States District Court  
for the District of New Jersey  
Martin Luther King, Jr.  
Federal Building & Courthouse  
50 Walnut Street, P.O. Box 999  
Newark, NJ 07101-0999

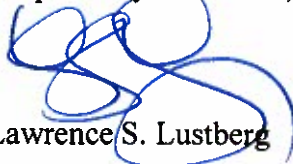
Re: *United States v. Bergrin*  
No. 09-cr-369 (JLL)

Dear Chief Judge Linares:

As Your Honor is aware, we represent Defendant Paul Bergrin in proceedings pursuant to Federal Rule of Criminal Procedure 33 in Docket No. 09-cr-369. We write to enclose a pleading sent to us by Mr. Bergrin in his separate *habeas corpus* proceeding, Docket No. 16-cv-03040, in which Mr. Bergrin is *pro se*. Mr. Bergrin was concerned that this pleading would not otherwise be timely filed with the Court and requested our assistance. To be clear, our office had no part in advising or drafting relative to the enclosed pleading.

Thank you for your kind consideration throughout the course of this matter. If the Court has any questions, please do not hesitate to contact me.

Respectfully submitted,



Lawrence S. Lustberg

cc: Mark E. Coyne, Esq. (by Email)

January 22, 2019

Honorable José L. Linares, Chief U.S.D.J.  
Martin Luther King Jr.  
Federal Building and Courthouse  
50 Walnut Street, PO Box 999  
Newark, New Jersey 07101-0999

Re: United States v. Bergin, Order to Show Cause  
2:16-cv-03040-JLL

Dear Honorable Chief Judge Linares:

Please be informed that on the above date (emphasis added) I received a copy of your Order dated December 17, 2018. It was received by the Clerk of the Court on January 10, 2019 and placed in the mail (post marked) January 11, 2019. I am already beyond the 30 day time limit due to governmental misconduct.

I HAD RESPONDED TO THE GOVERNMENT'S MOTION FOR A STAY ON JANUARY 11, 2019 and within 24 hours of my receiving it. (Emphasis added) I am enclosing another copy.

The SIS (Special Investigative Officer, Ms. Turner) at this institution was handed my mail for this Court on January 11, 2019 and she scanned it and sent it to the government for approval to send to you. (Emphasis again added). As of today's date, the government has not approved my reply. They are intentionally-wrongfully not sending it to you. I cannot figure out how this is not illegal, inappropriate, unethical and constitutional. It is the government which has consistently and wrongfully delayed my receipt of mail from the Court and my responses/replies, to The Court.

It is extremely frustrating and a mockery of my constitutional rights. It prejudices me extraordinarily and gives the wrongful appearance, that I am apathetic or failed to respond; when I make it a point to always respond expeditiously.

I vociferously objected to a Stay of my motion pursuant to 28 USC 2255. It is my a-d-e-n-t position that although the facts averred wholly corroborate-substantiate the merits of my Rule 33 motion; the 2255 asserts "actual innocence" and a plethora of legal issues and facts which are completely indispensible to those in The Rule 33. The burden of proof and evidence admissibility is different from the Rule 33 and this Court should consider all the facts and totality of circumstances clearly delineated in the 2255; which is permitted and admissible. It overwhelmingly proves my innocence.

I am cognizant that a favorable ruling in The Rule 33 would dispose of the innocence issue in the 2255, but there are so many important facts in the 2255, which I have plead and implore this Honorable Court to consider, jointly with the Rule 33. I am confident it will assist the Court in seeing the "big picture." That is why I need for the 2255 to be read and considered now.

For the aforementioned reasons I am respectfully requesting that this Honorable Court appoint me counsel for the 2255 and that the 2255 motion not be stayed. I cannot effectively communicate with this Court due to prosecutorial misconduct.

I am also respectfully requesting that this Court Order an investigation into why the government criminally and unlawfully delays my mail from and to this Court.

Thank you,  
Most respectfully,  
Paula Bryan