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November 14, 2018

By Email

ORDER

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:

Per my conversation of earlier today with [REDACTED] Your Honor's Law Clerk, and of yesterday with Assistant U.S. Attorney Mark Coyne, I write to provide an update to the Court with regard to defendant Bergrin's Reply Brief in Further Support of his Motion for a New Trial Based Upon New Discovered Evidence. That brief was due yesterday, pursuant to an extension granted by the Court on October 15, 2018. We now have a draft brief, about which we are consulting with Mr. Bergrin this afternoon at 4:00 pm, pursuant to a request that we made of the Bureau of Prisons for a legal call last week. Following our call, we will either be able to file our brief immediately, tomorrow or the next day, or we may need a few more days to do so, depending upon Mr. Bergrin's comments, in which case we will file before Thanksgiving, i.e., no later than November 21, 2018. Out of an abundance of caution, and with appreciation for the Court's and the Government's patience throughout this matter, I am accordingly requesting a final extension until that date, November 21, 2018.

If Your Honor has any questions or concerns with regard to this matter, please do not hesitate to contact me. If this request is approved by the Court, please So order it, as Your Honor has done in the past when presented with such applications (we have provided a space for the Court to do so).

Thank you very much, once again, for your kind consideration of this request.

Respectfully submitted,

/s/ Lawrence S. Lustberg

Lawrence S. Lustberg

GIBBONS P.C.

Hon. Jose L. Linares, U.S.D.J.


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

So ordered this 14th day of
November  2018

Honorable Jose L. Linares, Chief Judge