



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

October 15, 2018

By Email and ECF

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:

I write to most respectfully request, with the Government's consent, a final extension of time, of four (4) weeks, until November 12, 2018, for the filing of defendant Bergrin's Reply Brief in Further Support of his Motion for a New Trial Based Upon New Discovered Evidence.

Last week, at this time, the Government agreed to an additional week for me to complete my work (as we indicated in an email to the Court); I have been very hard at work on this motion since that time, and have made a great deal of progress, but as a result of the pressure of other unanticipated matters, as well as some personal circumstances, was unable to complete it prior to long-planned trip to Peru, for which I left earlier today. I recognize that there have been a number of extensions, on both sides, and very much appreciate both the Government's and the Court's patience as I finalize this submission. That process will, of course, include obtaining Mr. Bergrin's final approval, a process which is made somewhat more difficult by the fact that, as Your Honor knows, Mr. Bergrin is incarcerated at USP Florence ADMAX, the Federal Bureau of Prisons' highest security facility, where Mr. Bergrin is subject to Special Administrative Measures ("SAMs") which limit our communications with each other. That said I traveled to Colorado to see Mr. Bergrin in August, and do not anticipate having to do so again prior to filing, but will certainly have to discuss it with him, thus explaining the additional time that I am requesting following my return from Peru, which will occur on October 26, 2018.

Of course, if Your Honor has any questions or concerns with regard to this matter, please do not hesitate to contact me. If the revised schedule is satisfactory to 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.

GIBBONS P.C.

Hon. Jose L. Linares, U.S.D.J.  
October 15, 2018  
Page 2

Respectfully submitted,


/s/ Lawrence S. Lustberg

Lawrence S. Lustberg

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

REQUEST FOR  
EXTENSION  
GRANTED.

So ordered this 15<sup>th</sup> day of  
October, 2018

  
Honorable Jose L. Linares, Chief Judge