



Lawrence S. Lustberg
Director

Gibbons P.C.
One Gateway Center
Newark, NJ 07102-5310
llustberg@gibbonslaw.com

August 26, 2021

By ECF

Honorable Madeline Cox Arleo
United States District Judge
Martin Luther King Jr.
Federal Building & United States Courthouse
50 Walnut Street P.O. Box 999
Newark, New Jersey 07101-0999

Re: Bergrin v. United States, Civ. Action No. 16-3040

Dear Judge Arleo:

Please accept this letter in lieu of a more formal request for a third extension of time within which to file Petitioner's brief in support of motion (or amended motion) to vacate sentence. As Your Honor is aware, this Court appointed the undersigned counsel to represent Petitioner in this matter pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, and directed us to file a brief in support of Petitioner's motion to vacate sentence (or, to the extent counsel deems it necessary, an amended motion to vacate sentence) within 90 days of the Order. This Court then granted our requests for an extension to June 24 (ECF No. 73), and then to August 27, 2021 (ECF No. 77), but we are now constrained to most respectfully request a further extension of 60 days to complete our brief and amended motion, an extension which is necessary, at least in part, because we are fully engaged at the moment in filing Mr. Bergrin's reply brief in his appeal to the United States Court of Appeals for the Third Circuit from the denial of his motion for a new trial under Federal Rule of Criminal Procedure 33, which brief is now due in the Court of Appeals, with no further extensions, on August 31, 2021. After that brief is filed, we will promptly turn our attention to this matter and do not anticipate requesting any further extensions, notwithstanding the complexity of this matter and the extraordinary volume of the *pro se* pleadings already filed in this matter.

Further, the process of this review continues to be hampered by Mr. Bergrin's incarceration at the USP Florence ADMAX, the Federal Bureau of Prisons' highest security facility, where Mr. Bergrin is subject to Special Administrative Measures which limit our access to him; he does not, for example, have access to email, and, although the staff at the ADMAX is extremely helpful, due to the constraints under which they operate, it is not always easy to set up legal calls with Mr. Bergrin, and in any event those calls are limited to an hour. Moreover, mail—disturbingly, even legal mail—is subject to review, and to the delays inherent in that review, which often amount to many weeks and even months.

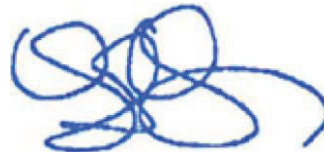
For these reasons, as well as the volume of work with which I am confronted in a number of other matters in this and other Courts, we have no choice but, if we are fulfill the responsibilities

GIBBONS P.C.

August 26, 2021
Page 2

for which this Court has appointed us, to most respectfully request what we hope will be a final extension. To that end, I have been in touch with Assistant U.S. Attorney Steven G. Sanders, who, on behalf of the Government, has graciously consented to this request. If this revised schedule is satisfactory to the Court, please so order it (we have provided a space below for the Court to do so). Of course, if Your Honor has any questions or concerns with regard to this matter, please do not hesitate to contact me. Thank you very much for your kind consideration of this request.

Respectfully Submitted,



Lawrence S. Lustberg

cc: Steven G. Sanders, Esq. (by ECF and email)

So ordered this 15th day of Spetember, 2021



Honorable Madeline Cox Arleo
United States District Judge