



MEMO ENDORSED

U.S. Department of Justice

United States Attorney  
Southern District of New York

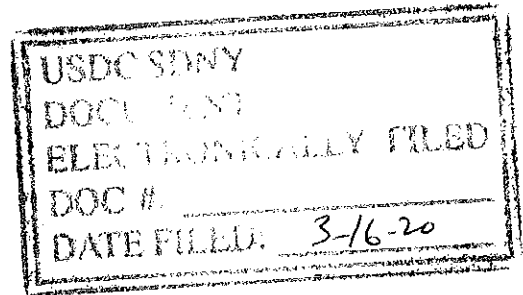
MEMO

86 Chambers Street, Third Floor  
New York, New York 10007

March 13, 2020

**By ECF and Hand Delivery**

The Honorable John F. Keenan  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: *Lafontaine v. Mechkowski et al.*, 15 Civ. 4251 (JFK)

Dear Judge Keenan:

This Office represents the government in the above-referenced habeas action, in which the Second Circuit recently vacated the Court's August 17, 2015, order, and remanded the matter. (ECF No. 19). Presently, a status conference is scheduled for Thursday, March 19, 2020, at 11:00 a.m. (ECF No. 20).

We write respectfully to request that the status conference be adjourned. Petitioner, who is not detained, consents to this request. The government makes this request for two reasons. First, because the Second Circuit has not yet issued a mandate in this case, this Court does not yet have jurisdiction over the matter. *See, e.g., United States v. Rodgers*, 101 F.3d 247, 251 (2d Cir. 1996) ("A district court does not regain jurisdiction until the issuance of the mandate by the clerk of the court of appeals"). Second, the adjournment will allow the parties additional time to meet and confer concerning what, if any, further proceedings are necessary.

Accordingly, we respectfully request that the March 19 conference be adjourned; that the parties be directed to submit a joint status letter within one week of the mandate issuing; and that, if necessary, the Court schedule a status conference thereafter.

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We thank the Court for its consideration of this request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

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cc: Counsel for petitioner (by ECF)

The Conference is adjourned to April 27, 2020  
at 11:30 a.m.

So ORDERED  
Dated: New York, New York  
March 16, 2020

John F. Keenan  
U.S. D.J.