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Case Analyst, Ms. Nesbitt  
 Supreme Court of the United States  
 1 First Street NE  
 Washington, D.C. 20543

February 26, 2019

Re: Klein v. United States, Dkt # 18-6949  
Request to Extend Time from March 15, 2019 to April 15, 2019

Dear Ms Nesbitt:

To get money to pay for the printing I have applications pending in both lower Courts since February 11, 2019 to Amend the Restitution Judgment to remove clear non-victims who are in the Restitution Judgment because of obvious mistake by both sides' Counsel. Simply \$42K went to Holgate of which \$20K was designated for Vance. Pre-trial the Prosecution named Holgate in a letter as prime non-victim 404 (b)-F.R.E. Witness; at trial the Prosecution specifically named Holgate as such to the Judge; right before Holgate testified the Judge told the Jury Holgate was not a victim. So Holgate was not a victim per all: Prosecution, Judge and Jury. Vance was not mentioned by name nor category, but the Prosecution later explained that Vance was someone Holgate owed money to [might be who Holgate testified he embezzled from].

So I think it fair to try to get the issue resolved before I file the Petition. Additionally if the issue is solved it also doesn't have to be an issue for the Petition (i.e., can clear non-victims get substantial Restitution because the Attorneys for the parties suffer from memory loss?). I have affirmatively reached out to the Prosecutor to resolve this as also if these moneys are not a simple Counsel mistake the implication is the Prosecution deceived the Judge and got the Judge to deceive the Jury. Neither Holgate nor Vance are in the co-defendant Probbler's Restitution Judgment and Probbler pled Guilty to the Conspiracy (which is only possible hook for getting these guys Restitution money) and the Trial Prosecutor in a Docketed Letter to the Court very specifically disclaimed these people were victims of same. Only possible justification for paying them was to pay an illegal "witness fee" and to deprive me of necessary assets.

When I was employed by the U.S. Court of Appeals for the Second Circuit (1981-1985) the above was problem of thing resolved expeditiously in a Conference. Actually this mistake mirrors the 6th Amendment Denial of Post-Arraignment Counsel. Same is crystal clear and admitted but the Prosecution can't for some reason remedy same nor do the "right thing".

In sum, I respectfully request to 4/15/19 to get the printed Petition filed. Hopefully in interim an issue, or possibly the entire case can be resolved short of this Honorable Court's attentions. My preference is all can be resolved before 4/15/19.

Respectfully,



Noel Francisco, Solicitor General  
 U.S. Circuit Judge Jon O. Newman

Eric A. Klein

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