

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)	
UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:21-cr-138-JEB
)	
AARON MOSTOFSKY,)	
)	
Defendant.)	
)	

**DEFENDANT MOSTOFSKY’S NOTICE OF FCI DANBURY’S WRITTEN REFUSAL
TO PERMIT LEGAL CALLS**

Defendant Mostofsky moved the Court on August 1 for an order directing FCI Danbury to allow him to make a legal call to his retained counsel in connection with his assault in that facility. ECF No. 113.

Following the filing of Mostofsky’s motion, FCI Danbury informed his counsel on August 8 that he will not receive any legal calls unless the facility is so ordered by this Court. Exh. 1-2. The relevant prison officials will not explain to Mostofsky’s counsel why the defendant may not place or receive legal calls. *Id.* Undersigned counsel has advised the officials that he cannot commute to the prison, which is located in a state different from the one where counsel works. The officials will not answer any questions about Mostofsky’s prison assault.

Mostofsky has a constitutional right to retain counsel in any post-conviction proceeding. He respectfully requests that the Court grant his motion so that he can speak with his retained counsel.

Dated: August 8, 2022

Respectfully submitted,

/s/ Nicholas D. Smith
Nicholas D. Smith, D.C. Bar No. 1029802

David B. Smith, PLLC
1123 Broadway
Suite 909
New York, NY 10010
(917) 902-3869
nds@davidbsmithpllc.com

Counsel to Aaron Mostofsky

Certificate of Service

I hereby certify that on the 8th day of August, 2022, I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s):

Graciela Lindberg
Assistant United States Attorney
555 4th Street, N.W., Room 4408
Washington, D.C. 20530
(202) 252-6986

And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

/s/ Nicholas D. Smith
Nicholas D. Smith, D.C. Bar No. 1029802
David B. Smith, PLLC
1123 Broadway
Suite 909
New York, NY 10010
(917) 902-3869
nds@davidbsmithpllc.com