

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

UNITED STATES OF AMERICA

v.

MICHAEL JOHN LOPATIC, SR.,

Defendant.

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: **Case No. 21-CR-35 (EGS)**
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**DEFENDANT MICHAEL JOHN LOPATIC, SR.’S FOURTH MOTION TO MODIFY
CONDITIONS OF RELEASE**

Defendant Michael J. Lopatic, Sr. (“Mr. Lopatic”), by and through undersigned counsel, respectfully moves this Court to modify the conditions of his release to allow for the imposition of a curfew from 10:00 P.M. until 6:00 A.M. In support thereof, Mr. Lopatic states the following:

In a Superseding Indictment, Mr. Lopatic has been charged with one count of Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; one count of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); two counts of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); one count of Theft in a Federal Enclave, in violation of 18 U.S.C. § 661; one count of Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); one count of Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); and one count of Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

On February 5, 2021, Mr. Lopatic had his initial appearance in the Eastern District of Pennsylvania. Following a detention hearing on February 9, 2021, Mr. Lopatic was detained pending removal to the District of Columbia. Mr. Lopatic was subsequently transferred to the District of Columbia. On March 29, 2021, Mr. Lopatic had his initial appearance in the District of Columbia. On April 12, 2021, Mr. Lopatic filed an appeal of his detention order. The Court granted Mr. Lopatic's appeal and entered an Order Setting Conditions of Release, on April 26, 2021 [ECF 65]. Mr. Lopatic has been in full compliance with the Court's Order.

On September 15, 2021, Mr. Lopatic filed his First Motion to modify the conditions of his release to allow for the temporary removal of his ankle monitor to undergo a Magnetic Resonance Imaging (MRI) scan for the treatment of his brain tumor, which was previously scheduled on September 29, 2021 [ECF 114]. On January 26, 2022, Mr. Lopatic filed a Second Motion after his MRI scan was rescheduled for January 27, 2022 [ECF 170]. This Court granted both Motions on September 17, 2021 [ECF 117] and on January 27, 2022, respectively. On February 3, 2022, Mr. Lopatic filed his Third Motion after he was unable to undergo the MRI scan on January 27, 2022, and his scan was rescheduled for February 10, 2022 [ECF 172]. This motion was granted on February 4, 2022.

On February 7, 2022, a status conference was held in this case during which Pretrial Services recommended that a curfew be imposed on Mr. Lopatic. In its Minute Entry, the Court indicated that it will grant Mr. Lopatic a curfew from 10:00 P.M. until 6:00 A.M. On March 4, 2022, the Court ordered that Mr. Lopatic file a motion for the requested modification, pursuant to the discussion of Mr. Lopatic's conditions of release at the status conference on February 7, 2022.

During the status conference, the Government indicated that it does not object to the requested modification.

CONCLUSION

For the foregoing reasons, Defendant Michael J. Lopatic, Sr., respectfully requests that this Honorable Court modify the conditions of his release to allow for the imposition of a curfew from 10:00 P.M. until 6:00 A.M.

Respectfully Submitted,

/s/ Dennis E. Boyle

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2022, I electronically filed the foregoing Motion and proposed Order with the Clerk of Court using the CM/ECF system, which will send an electronic notification of such filing to all counsel of record.

/s/ Dennis E. Boyle

Dennis E. Boyle, Esquire