

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

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 21-CR-035-EGS**
 :
MICHAEL JOHN LOPATIC, SR, :
 :
 Defendant. :

**GOVERNMENT'S SUGGESTION OF DEATH
AND MOTION FOR ABATEMENT OF PROSECUTION
AND MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL**

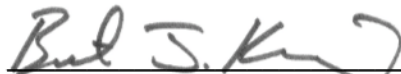
The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully seeks abatement of prosecution in this matter. As grounds for this request, the United States now says that on information and belief the defendant died on July 3, 2022.

The United States also respectfully requests that the Certification of a Death Record by the Pennsylvania Department of Health (the "Certification") be filed under seal and that the attached redacted version of the Certification be filed on the public docket. The Certification contains identifying information regarding the defendant, including his date of birth and social security number. A redacted version is attached as Exhibit A.

A defendant's death is a basis for abatement of all prosecution proceedings from their inception. Durham v. United States, 401 U.S. 481, 483 (1971), quoted in Howell v. United States, 455 A.2d 1371, 1373 (D.C. 1983).

WHEREFORE, the United States respectfully requests that this prosecution be abated and that the unredacted version of the Certification be filed under seal.


Respectfully submitted,

A handwritten signature in black ink, appearing to read "Benet J. Kearney", is written over a horizontal line.

Benet J. Kearney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by email upon counsel for the defendant via the court e-filing system, on this 19th day of September, 2022.



Benet J. Kearney
Assistant United States Attorney