

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : CASE NO. 21-CR-234-CJN  
 :  
 JOSEPH W. FISCHER, :  
 :  
 Defendant. :

**UNITED STATES' NOTICE OF RECENT AUTHORITY RELEVANT TO  
MOTION FOR RECONSIDERATION**

The United States respectfully files this notice to alert the Court and counsel to a decision in this district relevant to the government’s pending motion for reconsideration of the Court’s order dismissing Count Three of the Superseding Indictment (ECF No. 72). Today, Judge Bates issued a Memorandum Opinion denying a motion to dismiss a count alleging a violation of obstructing an official proceeding, in violation of 18 U.S.C. § 1512(c)(2). *United States v. McHugh*, No. 21-cr-453 (JDB), ECF No. 62 (D.D.C. May 2, 2022). Judge Bates’s opinion addresses the Court’s opinion in *United States v. Miller*, No. 21-cr-119 (CJN), 2022 WL 823070 (D.D.C. Mar. 7, 2022) extensively. The opinion is attached as Exhibit 1 to this filing.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/ Alexis Loeb  
Alexis Loeb  
Assistant United States Attorney  
Detailee  
CA Bar No. 269895  
450 Golden Gate Ave., 11<sup>th</sup> Floor  
San Francisco, CA 94102  
Phone: 415-436-7168  
Email: Alexis.Loeb@usdoj.gov