

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-CR-234-CJN
v.	:	
	:	
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 Lamberth 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. Bingert*, No. 21-cr-91 (RCL), ECF No. 67 (D.D.C. May 25, 2022). Judge Lamberth's opinion responds to the Court's opinion in *United States v. Miller*, No. 21-cr-119 (CJN), 2022 WL 823070 (D.D.C. Mar. 7, 2022) at pages 13-22. The opinion is attached as Exhibit 1 to this filing.

Respectfully submitted,

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