

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

UNITED STATES OF AMERICA, )  
 )  
 v. ) No. 1:21cr237-RDM  
 )  
 MATTHEW KLEIN, )  
 )  
 Defendant. )

**MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE**

Matthew L. Klein, through counsel, respectfully moves the Court to modify his conditions of pretrial release, as follows: (1) Mr. Klein asks the Court to impose a curfew, as opposed to home confinement, given that Mr. Klein is now employed; (2) Mr. Klein asks the Court to modify the restrictions on his internet usage such that internet usage is not limited to work and educational purposes, and (3) Mr. Klein asks the Court to strike the requirement requiring submission of a third-party custodian declaration. In support of his motion, Mr. Klein states as follows:

1. On May 13, 2021 this Court placed Mr. Klein on pretrial release. See Order Setting Conditions of Release, ECF 38. Among the conditions imposed by the Court, Mr. Klein was placed on home detention with location monitoring, in the custody of a third-party custodian. *Id.* at 2-3. Additionally, Mr. Klein is prohibited from using social media, and his internet usage was limited to educational and work purposes related to computer sciences self-study. *Id.* at 3. Mr. Klein is subject to monitoring by US Pretrial Services, in Oregon, for his compliance with these conditions.
2. Since Mr. Klein's release to home detention, he has complied in all respects with the conditions of release set by the Court.

3. Since July 21, 2021, Mr. Klein has been employed by JDW Welding LLC, where he works 6 AM to 4:30 PM, Monday through Friday (although on some Fridays, his workday ends earlier in the afternoon).
4. As discussed in the government most recent status report, discovery is being provided by the government on an ongoing basis. This case, as all of the other January 6 cases, involves a massive amount of discovery, the production of which is time-consuming. Given the amount of time required for the government to fully comply with its discovery obligations, the parties are not likely to be prepared to go to trial in this matter for a significant period of time. Given his record of compliance with the conditions of pretrial release, Mr. Klein therefore asks this Court to modify the conditions.
5. Mr. Klein asks this Court to modify the release condition of home detention to curfew.
6. Mr. Klein asks the Court to modify the restrictions on internet use such that Mr. Klein's internet use is not limited to work and educational purposes. The current restrictions are very broad, and under the terms of the order Mr. Klein is not permitted to do such things as watch a movie on Netflix, or purchase items on Amazon.<sup>1</sup> Mr. Klein agrees to abide by any restrictions as to social media usage, and understands that his compliance with this condition will continue to be monitored by the Pretrial Services.
7. Mr. Klein also asks the Court to strike the requirement that he file a declaration from his third-party custodian every week. Mr. Klein's third-party custodian has a

---

<sup>1</sup> Mr. Klein's co-defendant and brother, Jonathanpeter Klein, is similarly restricted from using social media, but does not have the general restriction on internet use that has been imposed on Matthew Klein. *Compare* ECF 38 and ECF 41 (Order Setting Conditions of Release as to Jonathanpeter Klein), at 3.

continuing legal duty to report any violations of pretrial release conditions to Pretrial Services, regardless of whether such a declaration is filed.

8. Undersigned counsel has conferred with the government regarding the relief sought in this motion. Counsel for the government has noted that he would like to get the position of Pretrial Services prior to making a recommendation to the Court. However, he is not opposed to the request insofar as it involves the third-party custodian declaration.
9. Undersigned counsel has reached out to the Pretrial Services Officer on August 23 and again on August 25, 2021 regarding this request. Undersigned counsel has not received a response from Pretrial Services to date.

WHEREFORE, for all of the foregoing reasons, Mr. Klein respectfully asks this Court to impose a curfew, to modify the restrictions on his internet usage such that internet usage is not limited to work and educational purposes, and to strike the requirement requiring submission of a third-party custodian declaration.

Respectfully Submitted,

By: /s/ Eugene V. Gorokhov  
Eugene Gorokhov, DC Bar No. 979785  
*Attorney for Defendant*  
BURNHAM & GOROKHOV, PLLC  
1424 K Street NW, Suite 500  
Washington, DC 20005  
(202) 386-6920 (phone)  
(202) 765-2173 (fax)  
[eugene@burnhamgorokhov.com](mailto:eugene@burnhamgorokhov.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing document via ECF and a copy will be automatically sent to the AUSA of record.

By: /s/ Eugene V. Gorokhov  
Eugene Gorokhov, DC Bar No. 979785  
*Attorney for Defendant*  
BURNHAM & GOROKHOV, PLLC  
1424 K Street NW, Suite 500  
Washington, DC 20005  
(202) 386-6920 (phone)  
(202) 765-2173 (fax)  
eugene@burnhamgorokhov.com

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

UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 MATTHEW KLEIN, )  
 )  
 \_\_\_\_\_ Defendant. )

No. 1:21cr237-RDM

**ORDER**

This matter comes before the Court on Matthew Klein’s motion to modify his conditions of pretrial release. Having considered the matter, the motion is GRANTED and it is hereby

ORDERED that Mr. Klein conditions of release as modified as follows: (1) Mr. Klein shall be subject to a curfew to be determined by Pretrial Services; (2) Mr. Klein shall be permitted to use the internet but is prohibited from using social media, and (3) the pretrial release condition requiring the weekly filing of a third-party custodian declaration is hereby vacated. Mr. Klein’s third-party custodian is subject to an ongoing legal duty to report any violations of the conditions of pretrial release.

So ORDERED on \_\_\_\_\_.

\_\_\_\_\_  
United States District Court Judge  
Washington, DC