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12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 v.

16 BENJAMIN ROSENBERG,

17 Defendant.

Case No. 2:18-cr-00117-JAK

Hon. John A. Kronstadt

**DEFENDANT BENJAMIN
 ROSENBERG’S REQUEST TO
 LIFT LOCATION MONITORING
 CONDITION TO ALLOW HIM TO
 SURRENDER AT BUREAU OF
 PRISONS’ DESIGNATED
 FACILITY; DECLARATION OF
 COUNSEL**

**UNOPPOSED BY PRETRIAL
 SERVICES**

Surrender Date: September 17, 2019

1 Dr. Benjamin Rosenberg, by and through his attorney of record, Gary Jay
2 Kaufman, hereby respectfully requests approval from the Court to lift his location
3 monitoring condition, so that he may surrender at his assigned facility, Otisville
4 SCP.

5 Dr. Rosenberg's surrender date is Tuesday, September 17, 2019. He has been
6 assigned by the Bureau of Prisons to the Otisville SCP facility in New York.
7 Otisville, however, does not have the capability of removing his location monitoring
8 anklet upon his surrender, and receives new inmates after they have already had
9 their GPS devices removed.

10 Without an order lifting the GPS condition, Dr. Rosenberg would be required
11 to surrender in Los Angeles and then be transferred to the Metropolitan Detention
12 Center, where he would be held for approximately one to two months while his
13 travel to New York is coordinated. For the reasons outlined below, it is respectfully
14 requested that Dr. Rosenberg's location monitoring condition be lifted so that he
15 may be able to report directly to his assigned facility. *Pretrial Services has been*
16 *consulted and they do not oppose this request.*

17 **BACKGROUND AND REQUEST**

18 On June 6, 2019, this Court ordered that Dr. Rosenberg be committed to the
19 Bureau of Prisons ("BOP") for a term of 40 months. The Court recommended that
20 Dr. Rosenberg be assigned to the Otisville facility in New York, based in large part
21 due to his strong Jewish faith and strict religious observance, which Otisville is well
22 equipped to accommodate. On June 7, 2019, this Court entered a Judgment and
23 Commitment, ordering Dr. Rosenberg to surrender himself to the institution
24 designated by the BOP on September 17, 2019. (Dkt. 76).

25 On June 20, 2019, counsel for Dr. Rosenberg was informed that the BOP had
26 assigned Dr. Rosenberg to the Otisville SCP (satellite camp), located in New York.
27
28

1 Dr. Rosenberg wishes to comply with the Court’s Order, travel to New York
2 at his own expense, and surrender himself at Otisville on the surrender date. Dr.
3 Rosenberg is currently under location monitoring by Pretrial Services (“PSA”).

4 Dr. Rosenberg is willing to travel to New York with his location monitoring
5 device. However, the facility at Otisville has conveyed to Dr. Rosenberg’s counsel
6 that they are not able to remove his device once he arrives there. PSA has indicated
7 that it has no opposition to Dr. Rosenberg removing the anklet so that he can travel
8 to Otisville to surrender.

9 It is especially important to Dr. Rosenberg to surrender directly to the
10 Otisville facility on the surrender date, for a number of reasons.

11 As mentioned above and previously recognized by this Court, Dr. Rosenberg
12 is an observant, orthodox Jew. He attends services with a quorum of men three
13 times daily, eats a strictly kosher diet, and steadfastly observes the Sabbath and holy
14 days.

15 The Jewish High Holidays begin on September 29, 2019 and continue
16 through October 23, 2019.¹ Otisville is significantly better equipped to
17 accommodate Dr. Rosenberg’s religious needs, including those for the holidays and
18 to supply him with kosher food.

19 _____
20
21 ¹ Rosh Hashana begins the night of September 29, 2019 and continues until nightfall
22 on October 1, 2019.

23
24 Yom Kippur begins the night of October 8, 2019 and continues until nightfall on
25 October 9, 2019.

26
27 Sukkot begins the night of October 13, 2019 and continues until nightfall on
28 October 22, 2019.

1 If Dr. Rosenberg surrenders here in Los Angeles at the Roybal Federal
2 Building, he will first be transferred to the Metropolitan Detention Center, where he
3 will be held for approximately a month to two months while his travel to New York
4 by plane or bus is coordinated. Surrendering in Los Angeles and being transferred
5 to MDC would pose significant religious obstacles for Dr. Rosenberg, and would
6 also further complicate Dr. Rosenberg's transfer to New York because orthodox
7 Jewish law prohibits Dr. Rosenberg from using electricity, flying, and driving on
8 certain holidays, many of which are upcoming next month.

9 Throughout his pretrial release and since his sentencing, Dr. Rosenberg has
10 meticulously provided PSA with weekly schedules of where he would be and when.
11 He has done everything PSA has asked without incident for the year-and-a-half he
12 has been under location monitoring. He has built up goodwill with PSA to the point
13 where they do not oppose this request. As he moves now to the next phase of this
14 process, he respectfully requests that the location monitoring condition be lifted so
15 that he can report to his designated facility.

16 **CONCLUSION**

17 Dr. Rosenberg has no issue travelling to Otisville with the GPS monitoring
18 anklet. Unfortunately, the Otisville institution simply does not have the staff in
19 place to remove the GPS anklet. Thus, we respectfully request that the Court lift the
20 location monitoring condition so that Dr. Rosenberg may comply with this Court's
21 previous Order, travel from California to New York, and surrender at his assigned
22 facility on his surrender date.

23
24 Dated: September 12, 2019

Respectfully submitted,
THE KAUFMAN LAW GROUP

25
26 /S/ Gary Jay Kaufman
27 Gary Jay Kaufman
28 Attorneys for Defendant,
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