U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 6, 2014

BY ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, New York 10007

Re: United States v. Devyani Khobragade
13 Mag. 2870

Dear Judge Netburn:

The Government respectfully writes in response to the defendant's January 6, 2014 request for a one-month adjournment of the January 13, 2014 preliminary hearing date in order to facilitate the plea discussions that have been ongoing between this Office and the defendant.

This Office remains receptive to continuing the plea discussions that have taken place over the past several weeks. We have participated in hours of discussion in the hope of negotiating a plea that could be entered in Court before January 13. Indeed, as recently as Saturday, January 5, the Government outlined reasonable parameters for a plea that could resolve the case, to which the defendant has not responded.

While we remain open to continuing these plea discussions as the case proceeds, the discussions are simply not at a stage that merits a continuance of the preliminary hearing. Moreover, the plea discussions can continue following indictment of the case. Accordingly, the Government is not seeking an extension of the deadline for indictment and therefore there is no motion for the Court to decide. At any rate, as the Court knows, the timing under which the Government seeks an indictment is in the discretion of the Government, and the defendant cannot alter that.

Respectfully submitted,

PREET BHARARA
United States Attorney

by: /s/
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cc: Daniel Arshack, Esq. (by ECF and email)