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April 22, 2026

Via ECF & EMAIL

The Honorable Brian R. Martinotti
United States District Judge
Martin Luther King Jr. Federal Building & Courthouse
Newark, New Jersey 07102

Re: United States v. Gregory Blotnick
Crim. No. 21-796

Dear Judge Martinotti:

The Government submits this letter in lieu of a more formal submission in opposition to Gregory Blotnick's ("Blotnick" or the "Defendant") request for early termination of supervised release.

Background

On October 13, 2021, Blotnick appeared before Your Honor and pleaded guilty to a Two-Count Information. Count One charged wire fraud in violation of Title 18, United States Code, Section 1343, and Count Two charged money laundering, in violation of Title 18, United States Code, Section 1957. Presentence Investigation Report dated May 3, 2022. ("PSR") ¶¶ 2-3.

Blotnick's plea agreement included an appellate waiver that read, in relevant part:

> Blotnick knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 27.

Dkt. No. 19.

At the time of his sentencing, this Court assigned Blotnick a criminal history category I and a total offense level of 27, resulting in an advisory Guidelines range 70 to 87 months' imprisonment, consistent with PSR and the parties' plea agreement. PSR ¶¶ 123-124.

On June 7, 2022, this Court varied downward three levels and Your Honor sentenced Blotnick to 51 months imprisonment on each count to run concurrently, followed by two years of supervised release. Dkt. No. 27. The Bureau of Prisons ("BOP") released Blotnick from custody on March 12, 2025, and his supervised release commenced. His term of supervision is set to expire on March 12, 2027—he has served approximately 13 months of his two-year term of supervised release.

In his motion for request for early termination of supervised release, Dkt. 32 ("Mot."), Blotnick argues that early termination is appropriate because, in sum, he has made significant progress, complied with the conditions of his supervision, maintained stable housing and employment, reintegrated into the community, maintained sobriety, and continues to make restitution payments—including recent payments exceeding the required minimum. *Id.* at 3.

The U.S. Probation Office ("Probation") has advised the Government that Blotnick remains compliant with the terms of his supervision and that he meets the minimum requirements set forth in the *Guide to Judiciary Policy*, Vol. 8, Ch. 3, Section 360.20(c). Probation does not oppose Blotnick's request for early termination of supervision.

Analysis

While the Government appreciates that Blotnick has remained compliant with the terms of his supervision, as is expected of those on supervised release, the Government disagrees that early discharge from supervised release is warranted on two grounds. First, in his plea agreement (the "Plea Agreement"), Blotnick waived his right to bring this motion. Second, Blotnick cannot show that early termination—13 months into a 24-month term—is justified. It is not only the expectation, but a requirement of supervised release that Blotnick remain law abiding. As outlined below, consideration of the 18 U.S.C. § 3553(a) factors and the interest of justice counsel against an early discharge from supervised release. Accordingly, the Government respectfully requests that the Court deny Blotnick's motion.

A. Blotnick Waived His Right to Bring the Motion

As an initial matter, Blotnick waived his right to bring this motion. That alone dooms his request. As the Third Circuit made clear in *United States v. Damon*, 933 F.3d 269, 275 (3d Cir. 2019), where—as here—the defendant agrees in his plea agreement to waive the right to file an appeal or collateral attack challenging the sentence imposed, that waiver includes motions to terminate supervised release. The Third Circuit reasoned that, because the plea agreement at issue in *Damon* specifically listed the term of supervised release as a component of the defendant's sentence, the appellate waiver extended to the defendant's motion to terminate his term of supervised release, which was nothing more than a "challenge" to the sentence imposed. *Id*. at 274.

Here, like in *Damon*, Blotnick expressly waived the right to "challenge" his sentence, including but not limited to appeals under 18 U.S.C. § 3742 and in collateral attacks under 28 U.S.C. § 2255, where the sentence imposed was within or below the agreed-upon sentence. Blotnick received a sentence significantly below the agreed-upon sentence. Therefore, Blotnick's waiver was triggered, barring him from seeking early termination of supervised release. *Damon*, 933 F.3d at 274. *Damon*, therefore, binds this Court to deny Blotnick's motion pursuant to his waiver.

B. Early Termination of Supervised Release is Not Warranted

Even assuming that Blotnick did not waive his right to move for early termination, such relief is not warranted here. Under 18 U.S.C. § 3583(e), this Court may terminate a term of supervised release prior to its expiration in certain circumstances:

> The court may, after considering the factors set forth in [18 U.S.C. §] 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)[,] terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

It is Blotnick's burden, "as the party receiving the benefit of early termination, to demonstrate that such a course of action is justified." *United States v. Weber*, 451 F.3d 552, 559 n.9 (9th Cir. 2006). After all, it "logically follows that the burden of ultimate persuasion should rest upon the party attempting to adjust the sentence." *United States v. McDowell*, 888 F.2d 285, 291 (3d Cir. 1989). In assessing whether Blotnick has met that burden, this Court must consider:

> (1) the nature and circumstances of the offense and the defendant's history and characteristics, 18 U.S.C. § 3553(a)(1);
>
> (2) the need to afford adequate deterrence to criminal conduct, protect the public from further crimes of the

> defendant, and provide him with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner, § 3553(a)(2)(B)-(D);
>
> (3) the kinds of sentence and sentencing range established for the defendant's crimes, § 3553(a)(4)(A);
>
> (4) pertinent policy statements issued by the United States Sentencing Commission, § 3553(a)(5);
>
> (5) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct, § 3553(a)(6); and
>
> (6) the need to provide restitution to any victims of the offense, § 3553(a)(7).

"After considering these factors, this Court may provide relief only if it is satisfied that early termination is warranted by the defendant's conduct and is in the interest of justice." *United States v. Melvin*, 978 F.3d 49, 52 (3d Cir. 2020) (citing 18 U.S.C. § 3583(e)(1)). "The expansive phrases 'conduct of the defendant' and 'interest of justice' make clear that a district court enjoys discretion to consider a wide range of circumstances when determining whether to grant early termination." *Id.* (quotation marks omitted). Furthermore, "[d]istrict courts are not required to make specific findings of fact with respect to each of these" specified § 3553(a) "factors; rather, a statement that [the district court] has considered the statutory factors is sufficient." *Id.* at 52-53.

Repudiating contrary language in earlier non-precedential opinions, however, *Melvin* held that "a district court need not find that an exceptional, extraordinary, new, or unforeseen circumstance warrants early termination of a term of supervised release before granting a motion under 18 U.S.C. § 3583(e)(1)." *Id.* at 53. Although "extraordinary circumstances may be *sufficient* to justify early termination of a term of supervised release," they are not "*necessary* for such termination." *Id.* Nonetheless, "*[g]enerally*, early termination of supervised release under § 3583(e)(1) will be proper" as a discretionary matter "only when the sentencing judge is satisfied that new or unforeseen circumstances warrant it." *Id.* (quotation marks omitted). "That is because, if a sentence was 'sufficient, but not greater than necessary' when first pronounced," as § 3553(a) requires, a reviewing court "would expect that something will have changed in the interim that would justify an early end to a term of supervised release." *Id.* (quotation omitted).

Taking into consideration the Section 3553(a) factors and the interest of justice, early termination of supervised release is not warranted here. As the Circuit recently explained in *Melvin*, early termination of supervised release is *generally* proper only where new or unforeseen circumstances warrant it, "because, if a sentence was 'sufficient, but not greater than necessary' when first pronounced, 18 U.S.C. § 3553(a), we would expect that something will have changed in the interim that would justify an early end to a term of supervised release." *Id.* Here, Blotnick has not identified any changed circumstances warranting departure from the Court's initial determination that the two-year term was a "sufficient, but not greater than necessary" period of supervised release for the crime of conviction.

Likewise, consideration of the Section 3553(a) factors does not justify early termination of Blotnick's supervision. First, the nature and circumstances of Blotnick's offense are serious. Blotnick defrauded 12 separate Victim Lenders from the Paycheck Protection Program ("PPP"), created to help distressed small businesses stay afloat during a global pandemic. PSR ¶ 1. Over the course of the investigation, Blotnick submitted at least 21 fraudulent PPP applications seeking more than $6.8 million; he received over $4.6 million as a result. PSR ¶ 21.

Second, although this is Blotnick's first conviction, his scheme spanned almost an entire year, during which time Blotnick repeatedly submitted almost two dozen false and fraudulent PPP applications for his own personal greed. Considering Blotnick's brazen conduct, early termination of his supervised release would not reflect his history and characteristics or promote respect for the law. 18 U.S.C. § 3553(a)(1)-(2).

Here, Blotnick states that since the start of his term of supervised release, he has been "incident free and in full compliance with all conditions of supervision" and is "a non-violent, first time offender" with "stable employment, housing consistent community involvement, and restitution payments exceeding the required minimum," and that his current career is unrelated to the underlying offense conduct, and "poses no risk to public safety." Mot. at 1 and 3. Importantly, compliance alone does not justify early termination. *See, e.g.*, *United States v. Dziesiuta*, No. CR 20-339 (MAS), 2022 WL 876758, at *3 (D.N.J. Mar. 24, 2022); *United States v. Stiso,* No. 2:14-CR-484 (WJM), 2021 WL 1291648, at *3 (D.N.J. Apr. 6, 2021) (defendant's "compliance with the conditions of his supervision . . . is precisely what is expected of him"); *United States v. Caruso*, 241 F. Supp. 2d 466, 469 (D.N.J. 2003); *United States v. Paterno*, No. 99-CR-037 (WGB), 2002 WL 1065682, at *2 (D.N.J. Apr. 30, 2002).

While the Government commends Blotnick's efforts to become a productive member of society and remain law abiding, Blotnick does not articulate any new or unforeseen circumstances that weigh in favor of the early termination of supervised release. Rather, successful reentry into society while on supervised release is one of the goals of federal supervision, and ceasing supervision simply because Blotnick has, to date, adjusted well to supervision would not, and should not, in and of itself justify early termination of supervised release. Moreover, Blotnick does not explain with any particularity how completing his term of supervised release will prevent him from continuing this productive path. Blotnick has demonstrated that he can be a productive member of society while under supervision. The Government is hopeful that this will continue once his period of supervision expires in March 2027. However, in light of his offense conduct and criminal history and the absence of changed circumstances, Blotnick has not shown that cutting his term short is "warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1).

Conclusion

For the reasons set forth above, the United States submits that early termination of Blotnick's term of supervised release is not "warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1).

Respectfully submitted,

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By: Fatime Meka Cano
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cc: Chief U.S. Probation Officer Joseph A. DaGrossa (via ECF)