



U.S. Department of Justice

*United States Attorney
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*George L. Brandley
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GLB/2020R00452

August 18, 2025

The Honorable Esther Salas, U.S.D.J.
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *United States v. Marc Schessel*, Crim. No. 22-374 (ES)

Dear Judge Salas:

The Government submits this letter to set forth its position that the sentencing hearing in this matter—currently scheduled for September 4, 2025—should proceed. The Government respectfully submits that Acting United States Attorney Alina Habba and/or the Government attorneys assigned to prosecute this case are legally authorized to proceed with the Defendant’s sentencing at this time.

First, Acting United States Attorney Habba was validly appointed under the Federal Vacancies Reform Act (FVRA) § 3345 *et. seq.* The FVRA therefore permits her to “perform the functions and duties of the office” of United States Attorney “in an acting capacity” for as long as she serves as First Assistant, *i.e.*, until the statutory time limits expire, or a permanent officeholder is nominated and confirmed. 5 U.S.C. § 3345(a)(1).

Second, Acting United States Attorney Habba is, at a minimum, authorized to supervise this case because the Attorney General validly appointed her as a Special Attorney under 28 U.S.C. § 515 and directly delegated to her the authority to supervise all pending prosecutions and other matters in the United States Attorneys’ Office for the District of New Jersey—including this matter.

Thank you for your consideration.

Respectfully submitted,

TODD W. BLANCHE
U.S. Deputy Attorney General

ALINA HABBA
Acting United States Attorney
Special Attorney

s/George L. Brandley
By: George L. Brandley
Assistant U.S. Attorney

LORINDA LARYEA
Acting Chief, Fraud Section
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/s/ Robert Spencer Ryan
By: Robert Spencer Ryan
Lucy Jennings
Trial Attorneys
U.S. Department of Justice

Cc: James M. Roberts, Esq.
Douglas E. Grover, Esq.
Angela Li, Esq.
(Counsel for Defendant)