

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN J. POLLARD,

:

Petitioner,

:

15-cv-09131-KBF

v.

:

UNITED STATES PAROLE COMMISSION, J.  
PATRICIA WILSON SMOOT, solely in her capacity as  
Chair of the United States Parole Commission, UNITED  
STATES PROBATION OFFICE FOR THE SOUTHERN  
DISTRICT OF NEW YORK, and MICHAEL J.  
FITZPATRICK, solely in his capacity as Chief U.S.  
Probation Officer,

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Respondents.

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**AMENDED PETITION**  
**FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

Jonathan J. Pollard, by and through his undersigned attorneys, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge certain conditions of his parole imposed by the United States Parole Commission (the “Parole Commission” or “Commission”), and implemented by the United States Probation Department for the Southern District of New York (the “Probation Office”), and in support thereof alleges as follows:

**INTRODUCTION**

1. On November 20, 2015, Petitioner Jonathan J. Pollard was released on “mandatory” parole from the custody of the United States Bureau of Prisons to the custody of the Parole Commission and the Probation Office. Mr. Pollard served exactly 30 years in prison after pleading guilty to one count of conspiracy to commit espionage without intent to harm the

United States. Mr. Pollard had delivered classified information to the State of Israel in 1984 and 1985.

2. Before releasing Mr. Pollard on mandatory parole, the Parole Commission was required by U.S. statute and federal regulation to make two determinations: (1) that Mr. Pollard had not seriously or frequently violated the rules and regulations of his penal institution during his thirty-year term of incarceration; and (2) that there was no reasonable probability that upon release Mr. Pollard would commit any federal, state or local crime. The Parole Commission inherently made both determinations in Mr. Pollard's favor, as it granted release on parole.

3. In reaching its decision, the Parole Commission was aided by the U.S. Department of Justice ("DOJ"), represented in the parole proceedings by the Deputy Chief of the National Security Section of the U.S. Attorney's Office in Washington, D.C., who did not raise any issue regarding Mr. Pollard's behavior in prison (which had been exemplary), and who expressly agreed, in a letter dated July 1, 2015, that the DOJ would not claim that there was a reasonable probability that Mr. Pollard would commit a further crime upon release.

4. Having determined both statutory issues in Mr. Pollard's favor, it was incumbent on the Parole Commission to craft conditions of parole consistent with those determinations. Instead, the Parole Commission has imposed conditions of parole that are irreconcilable with its determinations, and that violate statutory, regulatory, and constitutional standards.

5. Specifically, the Parole Commission is requiring that Mr. Pollard submit to (i) invasive GPS monitoring of his person, together with a curfew and travel restrictions; and

(ii) invasive and career-impairing monitoring of his computer use (not only at home but even at his place of employment).

6. These conditions are incompatible with the Commission's statutory determinations, and are statutorily and constitutionally impermissible in Mr. Pollard's circumstances.

7. The GPS monitoring condition bears no relationship to Mr. Pollard's offense or history, to the goals of criminal sentencing, is not necessary to protect the public, and is totally unjustified.

8. Likewise, the monitoring of Mr. Pollard's computer and those of his employer bears no relationship to Mr. Pollard's offense or history, to the goals of criminal sentencing, is not necessary to protect the public, and is totally unjustified. Moreover, the monitoring of his computer at his place of employment essentially ensures that Mr. Pollard (a highly employable graduate of Stanford University) cannot work in a professional capacity, in derogation of the most basic principle of parole, which is to rehabilitate the parolee and reintegrate him into society.

9. By this petition, filed pursuant to 28 U.S.C. § 2241, Mr. Pollard seeks a writ of habeas corpus granting relief from the unlawful parole conditions imposed by the Parole Commission.

### **JURISDICTION**

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 2241. Mr. Pollard is presently "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *Jones v. Cunningham*, 371 U.S. 236, 241-43 (1963) (parolee is "in custody" for purposes of the habeas statute).

11. This Court also has authority to grant relief under 28 U.S.C. § 1651 (All Writs Act) and Federal Rule of Civil Procedure 65.

### **VENUE**

12. Venue is proper in the Southern District of New York because the Parole Commission has placed Mr. Pollard under the supervision of the Probation Office in this district. *See, e.g., LoFranco v. United States Parole Comm'n*, 986 F. Supp. 796, 804 (S.D.N.Y. 1996).

### **THE PARTIES**

13. Mr. Pollard is a 61-year old resident of the State of New York. He is currently serving a term of parole under the authority of the Parole Commission and the supervision of the Probation Department.

14. Respondent Parole Commission is an agency of the United States. Pursuant to 18 U.S.C. § 4209 (in effect for pre-1987 offenses), the Parole Commission is authorized to set the terms and conditions of Mr. Pollard's parole, and is therefore Mr. Pollard's legal custodian. *See Cunningham*, 371 U.S. at 243; *see also Billiteri v. United States Bd. of Parole*, 541 F.2d 938, 948 (2d Cir. 1976) ("There are . . . circumstances where a parole board may properly be considered a custodian for habeas corpus purposes, e.g., after a prisoner has been released into its custody on parole[.]").

15. Respondent J. Patricia Wilson Smoot is the Chair of the Parole Commission.

16. The Probation Office is an agency of the United States. Its office in this district is charged with responsibility to supervise Mr. Pollard at the direction of the Parole Commission, and to implement the conditions of his parole.

17. Respondent Michael J. Fitzpatrick is the Chief U.S. Probation Officer in this district.

## STATEMENT OF FACTS

### A. Mr. Pollard's Conviction

18. Mr. Pollard was arrested on November 21, 1985. The indictment alleged that while employed as a civilian intelligence analyst for the United States Navy, Mr. Pollard delivered classified documents to representatives of the Government of Israel.

19. Mr. Pollard's unlawful activity involved physically removing hard copy documents from a government agency building, placing them in a suitcase, handing the suitcase to an Israeli government representative for photocopying, and later returning the documents to the government building. This occurred various times during the period 1984-1985. (Ex. A, pp. 7-8).<sup>1</sup>

20. At no time did Mr. Pollard use the internet. The internet did not exist at that time.

21. On June 4, 1986, pursuant to a written plea agreement, Mr. Pollard pleaded guilty to one count of conspiracy to commit espionage without intent to harm the United States, in violation of 18 U.S.C. § 794(c).

22. On March 4, 1987, Mr. Pollard was sentenced to life in prison.

### B. The Parole Proceedings

23. Pursuant to 18 U.S.C. § 4206 and 28 C.F.R. § 2.53(a), a prisoner sentenced to life in prison is deemed to be serving a 45-year term. At the two-thirds mark, i.e., after thirty years, the prisoner is entitled under the statute and regulation to a mandatory parole hearing. Mr. Pollard became eligible for so-called "mandatory" parole upon the completion of

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<sup>1</sup> Citations to "Ex. \_\_" refer to the exhibits annexed to the Declaration of Eliot Lauer, executed on Nov. 20, 2015 and filed herewith.

thirty years of his sentence, November 20, 2015. Under the parole statute in effect at the relevant time:

Any prisoner . . . who is not earlier released . . . shall be released on parole after having served two-thirds of each consecutive term or terms, or after having served thirty years of each consecutive term or terms of more than forty-five years including any life term, whichever is earlier; *Provided, however, [t]hat **the Commission shall not release such prisoner if it determines** that he has seriously or frequently violated institution rules and regulations or **that there is a reasonable probability that he will commit any Federal, State, or local crime.***

18 U.S.C. § 4206(d) (1985) (bold italics added). The statutory language is echoed in a regulation, 28 C.F.R. § 2.53(a).

24. The statute thus “entitles a prisoner who has served thirty years of a life sentence to mandatory parole unless the Parole Commission makes” one of the two factual determinations specified in the statute, namely (i) that the prisoner has “seriously or frequently violated institution rules and regulations,” or (ii) that “there is a reasonable probability that he will commit any Federal, State, or local crime.” *Bowers v. United States Parole Comm'n*, 760 F.3d 1177, 1179 n.1 (11th Cir. 2014).

25. Mr. Pollard has been a model prisoner throughout his thirty-year term of incarceration. His Bureau of Prisons file establishes that there have been no frequent or serious violations. The Department of Justice (“DOJ”) has never even suggested that Mr. Pollard’s conduct in prison should be a basis for denying release on mandatory parole.

26. The other statutory ground for denying release on mandatory parole would be “a reasonable probability that [Mr. Pollard] will commit any Federal, State, or local crime.” 18 U.S.C. § 4206(d). Inasmuch as Mr. Pollard is a non-violent, one-time white collar offender, the only conceivable argument that might have been made in opposition to parole would have been that even though Mr. Pollard has no classified *documents* in his possession, if and to the

extent he still retains thirty-year old classified information *in his head*, he might be inclined to disclose it to someone and thereby violate the law.

27. Although such an argument (had it been made) would have required a series of unrealistically aggressive assumptions, Mr. Pollard's counsel pre-empted the argument in the application for release on mandatory parole. Among the materials submitted in support were declarations by (a) Robert C. McFarlane, who served as U.S. National Security Advisor at the time of Mr. Pollard's arrest, and (b) former Senator Dennis DeConcini, who served on the Senate Intelligence Committee at the time of the arrest, later chaired that Committee, and reviewed the classified portion of the Pollard file. (Exs. C, D). Mr. McFarlane and former Senator DeConcini each affirmed that the classified information accessed by Mr. Pollard thirty years ago would have no value to anyone today.

28. Thus, in a Declaration dated June 4, 2015, Mr. McFarlane affirmed that:

I see no reason for concern that Mr. Pollard might still deliver classified information to someone. To the extent Mr. Pollard even recalls any classified information, it would date back 30 years or more, and would have no value to anyone today. From the point of view of intelligence, as in so many other respects, today's world bears almost no resemblance to the world of 30 years ago. Classified information from 30 years ago is useless.

(Ex. C, ¶ 12). Likewise, in a Declaration dated June 9, 2015, Senator DeConcini affirmed that "the information would not be of value to anyone today." (Ex. D, ¶ 7).

29. On July 1, 2015, after discussion with Mr. Pollard's counsel, and after consultation with U.S. Defense and Intelligence agencies, Assistant United States Attorney Jay I. Bratt, Deputy Chief, National Security Section of the U.S. Attorney's Office in Washington D.C. wrote: "the government does not intend to advocate to the U.S. Parole Commission that, for the purposes of applying 18 U.S.C. § 4206(d), there is a reasonable probability that Mr. Pollard will commit a Federal, state, or local crime if released on parole." (Ex. E). At no time throughout the

mandatory parole proceedings did the DOJ even suggest that Mr. Pollard would commit a crime upon release.

30. By Notice of Action dated July 28, 2015, the Commission granted Mr. Pollard mandatory parole, originally with a scheduled release date of November 21, 2015, later revised to November 20, 2015. (Ex. F).

C. Statutory and Regulatory Framework of Parole

31. Under 18 U.S.C. § 4209(a), the Parole Commission is required to impose certain conditions of parole (such as drug testing). Those conditions are not at issue.

32. The statute also authorizes the Commission to impose additional conditions of parole, but only “to the extent that such conditions are reasonably related to (1) the nature and circumstances of the offense; and (2) the history and characteristics of the parolee; and [it] may provide for such supervision and other limitations as are reasonable to protect the public welfare.” 18 U.S.C. § 4209(a).

33. Federal regulations similarly provide that the Parole Commission may impose special conditions of release if it determines that “imposing the condition is reasonably related to the nature and circumstances of [the prisoner’s] offense or . . . history and characteristics, and at least one of the following purposes of criminal sentencing: The need to deter [the prisoner] from criminal conduct; protection of the public from further crimes; or the need to provide [the prisoner] with training or correctional treatment or medical care.” 28 C.F.R. § 2.40(b).

34. In choosing a condition to impose, the Parole Commission is required to consider “whether the condition involves no greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation.” *Id.*



D. The Parole Conditions

35. As conditions of his release on parole, the Commission originally required Mr. Pollard to: (1) submit to Global Position Systems (“GPS”) monitoring (together with “a curfew and/or exclusion zones as determined by [his] probation officer,” the “GPS Condition”); (2) refrain from using or accessing any computer with access to the internet without the approval of the Commission (the “Internet Access Condition”); and (3) consent to periodic unannounced examinations of his computer equipment, and the installation of hardware or software systems to monitor his computer use (the “Computer Monitoring Condition”).

36. On August 26, 2015, Mr. Pollard filed an appeal challenging these conditions with the Commission’s National Appeals Board (the “Board”).

37. By Notice of Action on Appeal dated October 8, 2015, the Board modified Mr. Pollard’s parole conditions to eliminate the Internet Access Condition. (Ex. G). The Board denied the appeal in all other respects.

38. In conclusory fashion, the Board asserted that the GPS Condition was reasonably related to the nature of Mr. Pollard’s offense and to the need to deter Mr. Pollard from further criminal conduct:

The Board Finds that GPS monitoring of your whereabouts and temporal restrictions on your travel within the district are reasonably related to your offense that involved covert conduct to obtain and sell national security information to a foreign government. The National Appeals Board also finds that it is reasonably related to the need to deter you from further criminal conduct.

(Ex. G). The Board did not offer any explanation for how the GPS Monitoring Conditions would deter Mr. Pollard from further criminal conduct, or any basis for concern that Mr. Pollard might commit further crimes. To the contrary, as noted above, the DOJ has acknowledged that there is no reasonable probability that Mr. Pollard will do so.

39. The Board further ruled that the Computer Monitoring Condition was warranted regardless of whether the computer was used for personal or employment purposes, asserting (again in conclusory fashion) that the condition would help the Probation Office ensure that Mr. Pollard complies with his ongoing obligations under the terms of his 1986 plea agreement:

The Board also finds that the computer monitoring and examination condition is warranted regardless of whether it is a personal communication device, home computer, or a computer you use for employment because, as a practical matter, the boundaries between personal and business computer use are blurred. This condition will assist the U.S. Probation Office with ensuring that you are complying with your ongoing obligations under the terms of the plea agreement.

(Ex. G).

40. The 1986 plea agreement prohibits Mr. Pollard from disclosing any classified information, and provides that “should Mr. Pollard at any time author any book or other writing, or otherwise provide information for purposes of publication or dissemination, he hereby agrees to submit said book, writing or information to the Director of Naval Intelligence for pre-publication review[.]” (Ex. B, ¶ 9). The Board did not offer any explanation for how the Computer Monitoring Condition would ensure (or even encourage) compliance with the plea agreement, or any basis for concern that Mr. Pollard might violate the plea agreement.

E. Mr. Pollard’s Release

41. Mr. Pollard was released from prison on November 20, 2015. The Commission placed Mr. Pollard under the supervision of the Probation Office.

42. The Commission did not specify the precise technical details of the GPS Monitoring Condition or of the Computer Monitoring Condition, but delegated the implementation to the Probation Office.

43. Instead of implementing these conditions in the least restrictive manner possible, the Probation Office has exacerbated the conditions, by imposing additional restrictions on Mr. Pollard's movement within this district. When Mr. Pollard's counsel protested this unwarranted and unauthorized exacerbation of the Commission's conditions by the Probation Office, and demanded to know pursuant to what standards these additional conditions were being imposed, he received no answer.

F. Mr. Pollard's Education and Employment

44. Mr. Pollard is highly educated. He has a bachelor's degree in political science from Stanford University, and has had two additional years of study toward a master's degree at Tufts University. Mr. Pollard has secured employment in New York City in the finance department of an investment firm. As with any professional position, Mr. Pollard will be expected to use a company computer and the internet on a daily basis.

G. Mr. Pollard's Medical Condition

45. In addition to other serious conditions, Mr. Pollard suffers from weeping edema (a condition that includes chronic swelling in his legs and ankles), is required to wear orthopedic stockings, and suffers from severe diabetes. Because of these conditions, it would be dangerous for Mr. Pollard to have any restraint placed on his ankle or leg.

46. While the Commission has failed to show a need to monitor Mr. Pollard at all, even if it were able to make such a showing, GPS monitoring does not require a monitor attached to the body. A simple internet search reveals that technology is readily available that allows the government to utilize a hand-held smartphone to monitor parolees. *See, e.g.*, <http://www.corrisoft.com/air/>.

**COUNT ONE: VIOLATION OF THE PAROLE ACT AND REGULATIONS**

(The Computer Monitoring Condition - Against all Respondents)

47. Petitioner repeats and realleges paragraphs 1 through 46 as if fully set forth herein.

48. The Computer Monitoring Condition constitutes a severe and unlawful restriction on Petitioner's computer and internet use.

49. The Computer Monitoring Condition is not reasonably related to the nature and circumstances of Mr. Pollard's offense. There is no connection between the underlying offense and the internet, and Mr. Pollard does not have a history of using the internet to engage in illegal conduct.

50. Likewise, the Computer Monitoring Condition is not reasonably related to Mr. Pollard's history and characteristics.

51. The Computer Monitoring Condition is not reasonable to protect the public welfare or to deter further criminal activity. To the contrary, the DOJ, following consultation with Defense and Intelligence agencies, has expressly acknowledged that there is no reasonable probability that Mr. Pollard will commit a crime upon release. (Ex. E). And, by granting mandatory parole pursuant to statute and regulation, the Commission itself necessarily determined that there is no reasonable probability that Mr. Pollard will commit a crime upon release.

52. The Computer Monitoring Condition is not reasonable to ensure compliance with the 1986 plea agreement. There is no basis for concern that Mr. Pollard will violate the 1986 plea agreement, and there is no connection between that agreement and the Computer Monitoring Condition.

53. The Computer Monitoring Condition imposes a greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation.

54. The Computer Monitoring Condition also requires any employer to consent to unannounced searches of its computer equipment and the installation of computer monitoring software and hardware on its devices, and thereby waive its Fourth Amendment rights.

55. Mr. Pollard cannot reasonably expect any employer to consent to periodic unannounced searches of its computer equipment, or to the installation of computer monitoring hardware or software on its devices. Therefore, if the Computer Monitoring Condition remains in effect in its current form, Mr. Pollard will be unable to obtain or maintain gainful employment.

56. The Supreme Court has stated that the purpose of parole is “to help individuals reintegrate into society as constructive individuals as soon as they are able, without being confined for the full term of the sentence imposed.” *Morrissey v. Brewer*, 408 U.S. 471, 477 (1972). The Computer Monitoring Condition, by precluding meaningful employment for Mr. Pollard, will have the opposite effect.

57. For these reasons, the Computer Monitoring Condition is unlawful under 18 U.S.C. § 4209 and 28 C.F.R. § 2.40(b). By imposing the Computer Monitoring Condition without adequate basis, the Parole Commission and the other Respondents have violated Mr. Pollard’s rights under the Parole Act and the Regulations, warranting relief.

**COUNT TWO: VIOLATION OF THE PAROLE ACT AND REGULATIONS**

(The GPS Monitoring Condition - Against all Respondents)

58. Petitioner repeats and realleges paragraphs 1 through 46 as if fully set forth herein.

59. The GPS Monitoring Condition constitutes an invasive physical restraint and deprivation of liberty.

60. The GPS Monitoring Condition is not reasonably related to the nature and circumstances of Mr. Pollard's offense.

61. The GPS Monitoring Condition is not reasonably related to Mr. Pollard's history and characteristics.

62. The GPS Monitoring Condition is not reasonable to protect the public welfare or to deter further criminal activity. To the contrary, the DOJ, following consultation with Defense and Intelligence agencies, has expressly acknowledged that there is no reasonable probability that Mr. Pollard will commit a crime upon release. (Ex. E). And, by granting mandatory parole pursuant to statute and regulation, the Commission itself necessarily determined that there is no reasonable probability that Mr. Pollard will commit a crime upon release.

63. The GPS Monitoring Condition imposes a greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation.

64. For these reasons, the GPS Monitoring Condition is unlawful under 18 U.S.C. § 4209 and 28 C.F.R. § 2.40(b). By imposing the GPS Monitoring Condition without adequate justification, the Parole Commission and the other Respondents have violated Mr. Pollard's rights under the Parole Act and the Regulations, warranting relief.

**COUNT THREE: CONSTITUTIONAL VIOLATIONS**

(The Computer Monitoring Condition - Against all Respondents)

65. Petitioner repeats and realleges paragraphs 1 through 46 as if fully set forth herein.

66. In order to comply with the requirements of the Fourth Amendment, the Computer Monitoring Condition must be narrowly tailored and bear a close and substantial relation to the government's interest in pursuing the searches.

67. The Computer Monitoring Condition is not narrowly tailored and does not bear a close and substantial relation to the government's interest in pursuing the searches.

68. The Computer Monitoring Condition is not reasonably related to rehabilitation of Mr. Pollard or to the protection of the public.

69. By imposing and enforcing the Computer Monitoring Condition, Respondents have violated and, unless enjoined, will continue to violate Mr. Pollard's rights under the Fourth Amendment to the U.S. Constitution, warranting relief.

**COUNT FOUR: CONSTITUTIONAL VIOLATIONS**

(The GPS Monitoring Condition - Against all Respondents)

70. Petitioner repeats and realleges paragraphs 1 through 46 as if fully set forth herein.

71. The GPS Monitoring Condition constitutes an invasive physical restraint and deprivation of liberty.

72. The GPS Monitoring Condition is not narrowly tailored and does not bear a close and substantial relation to the government's interest in imposing the restraint.

73. In order to comply with the requirements of the Fourth Amendment, the GPS Monitoring Condition must be narrowly tailored and bear a close and substantial relation to the government's interest in pursuing the searches.

74. The GPS Monitoring Condition is not narrowly tailored and does not bear a close and substantial relation to the government's interest in pursuing the searches.

75. By imposing and enforcing the GPS Monitoring Condition, Respondents have violated and, unless enjoined, will continue to violate Mr. Pollard's rights under the Fourth Amendment to the U.S. Constitution.

76. In addition, the right to travel and move freely about the state is a fundamental liberty interest protected by the U.S. Constitution.

77. Parole conditions can include restrictions on travel only if such restrictions are reasonably related to rehabilitating the offender and protecting the public.

78. The GPS Monitoring Condition is not reasonably related to rehabilitation of Mr. Pollard or to the protection of the public.

79. By imposing and enforcing the GPS Monitoring Condition, Respondents have violated and, unless enjoined, will continue to violate Mr. Pollard's fundamental right to travel under the U.S. Constitution, warranting relief.

#### **COUNT FIVE: VIOLATIONS OF RFRA**

(Against all Respondents)

80. Petitioner repeats and realleges paragraphs 1 through 46 as if fully set forth herein.

81. On November 20, 2015, following the commencement of this proceeding, the Probation Office imposed conditions (the "Probation Office Conditions") that substantially burden Mr. Pollard's exercise of religion. These conditions include a 7 p.m. to 7 a.m. daily



curfew, and the attachment to Mr. Pollard's wrist of a GPS monitor that must be recharged at least every 21 hours (or more often).

82. The Probation Office Conditions impair the ability of Mr. Pollard, an Orthodox Jew, to adhere to multiple tenets of the Jewish religion, including the Sabbath, holidays, weekday services, and other religious obligations.

83. The Probation Office Conditions substantially burden Mr. Pollard's sincere exercise of religion. There is no compelling governmental interest that justifies the imposition of such a burden. And to the extent there is any governmental interest at all, the conditions are not the least restrictive means of furthering that interest.

84. By imposing and enforcing the Probation Office Conditions, Respondents have violated and, unless enjoined, will continue to violate Mr. Pollard's rights under the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb, warranting relief.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus and order Respondents to immediately revise the conditions of Petitioner's parole to eliminate the GPS Monitoring Condition, the Computer Monitoring Condition, and the Probation Office Conditions;
- c. Preliminarily and permanently enjoin enforcement of the GPS Monitoring Condition, the Computer Monitoring Condition, and the Probation Office Conditions;
- d. Award the Petitioner costs and reasonable attorneys' fees; and
- e. Grant such other and further relief as the Court deems necessary and appropriate.

Dated: New York, New York  
November 30, 2015

CURTIS, MALLET-PREVOST,  
COLT & MOSLE

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