



U.S. Department of Justice

United States Attorney  
Eastern District of New York

JMK:AES/GKS  
F. #2014R00501

271 Cadman Plaza East  
Brooklyn, New York 11201

March 16, 2018

By Hand and ECF

Hon. Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Martin Shkreli  
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in response to defendant Martin Shkreli's letter dated March 13, 2018. (See Dkt. No. 558).

First, the government takes no position on the defendant's request that the Court make a recommendation that the Bureau of Prisons ("BOP") designate the defendant to a particular facility. Ultimately, "the designation of the place of confinement is within the discretion of the Bureau of Prisons." United States v. Jimenez, No. 04 CR 739 GEL, 2006 WL 2838504 (S.D.N.Y. Sep. 28, 2006) (citing United States v. Williams, 65 F.3d 301, 307 (2d Cir. 1995)); see also 18 U.S.C. § 3621.

Second, with respect to Richard Kocher's restitution claim, the government has been in contact with Mr. Kocher to request additional information regarding that claim, including the amount of money that Mr. Kocher made by selling the Retrophin stock he received in connection with his settlement agreement, the specific circumstances that led to his need for the \$300,000 loan, and the terms of that loan. The government therefore requests a brief adjournment of its response to the defendant's letter in order to allow Mr. Kocher to provide the Court and the parties with that information. Defense counsel has consented to such an adjournment, and the parties jointly request the following schedule: the government shall respond to the defendant's letter by March 23, 2018, and the defendant

