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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 UNITED STATES
14 Plaintiff,
15
16 v.
17 ROBERT HUNTER BIDEN,
18 Defendant.

Case No. 2:23-CR-00599-MCS-1

Hon. Mark C. Scarsi

**DEFENDANT’S NOTICE OF
PARDON**

1 INTRODUCTION

2 Defendant Robert Hunter Biden respectfully provides notice of a Full and
3 Unconditional Pardon that requires dismissal of the Indictment against him (D.E. 1)
4 with prejudice and adjournment of all future proceedings in this matter. This notice is
5 made because on December 1, 2024, the President of the United States of America,
6 Joseph R. Biden, Jr., issued a full and unconditional pardon to Mr. Biden,¹ which he
7 has accepted for, inter alia, the offenses specified in the Indictment in this case, No.
8 2:23-CR-00599-MCS-1. A declaration confirming Mr. Biden’s receipt and acceptance
9 of the pardon is submitted to the Court as Exhibit A. The President’s pardon moots
10 Mr. Biden’s pending and yet to occur sentencing and entry of judgment in this case and
11 requires an automatic dismissal of the Indictment with prejudice. *See United States v.*
12 *Wilson*, 32 U.S. 150, 160 (1833) (“A pardon is an act of grace, . . . which exempts the
13 individual, on whom it is bestowed, from the punishment the law inflicts for a crime he
14 has committed.”) (Marshall, C.J.); *see also United States v. Flynn*, 507 F. Supp. 3d 116,
15 136 (D.D.C. 2020) (“Once accepted, a full and absolute pardon ‘releases the wrongdoer
16 from punishment and restores the offender’s civil rights without qualification.’”)
17 (quoting *Absolute Pardon*, Black’s Law Dictionary (10th ed. 2014)).

18 When alerted to a pardon by a defendant (or the government), courts dismiss
19 pending indictments and adjourn future proceedings in those cases. *See United States*
20 *v. Bannon*, No. 20 Cr. 00412-AT (S.D.N.Y. May 25, 2021), D.E. 117; *United States v.*
21 *Zangrillo*, No. 19 Cr. 10080-19 (D. Mass. Feb. 10, 2021), D.E. 1725; *United States v.*
22 *Kurson*, No. 20 Mag. 990-RML (E.D.N.Y. Feb. 4, 2021), D.E. 6; *United States v.*
23 *Carter*, No. 20 Cr. 20222-KMW (S.D. Fla. Feb. 1, 2021), D.E. 23; *United States v.*
24 *Flynn*, No. 17 Cr. 00232-EGS (D.D.C. Dec. 8, 2020), D.E. 311; *United States v. Arpaio*,
25 No. 16 Cr. 01012-SRB (D. Az. Oct. 4, 2017), D.E. 243, 251 (dismissing case with

26 _____
27 ¹ White House Briefing Room, Statement from President Joe Biden,
28 <https://www.whitehouse.gov/briefing-room/statements-releases/2024/12/01/statement-from-president-joe-biden-11/> (Dec. 1, 2024).

1 prejudice and vacating the pending sentencing hearing where defendant was issued a
2 presidential pardon after his conviction but prior to being sentenced); *see also United*
3 *States v. Schaffer*, 240 F.3d 35, 37–38 (D.C. Cir. 2001) (dismissing as moot a case
4 where defendant was pardoned between the district court ordering a retrial and
5 convening the new trial). Accordingly, dismissal of the Indictment with prejudice and
6 adjourning any future proceedings and entry judgment in this matter is now required.

7 CONCLUSION

8 For the reasons stated above, this Court must dismiss the Indictment against Mr.
9 Biden with prejudice and adjourn all future proceedings in this matter. A Proposed
10 Order is submitted along with this Notice.

11
12 Dated: December 1, 2024

Respectfully submitted,

13 /s/ Abbe David Lowell

14 Abbe David Lowell (*admitted pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2024, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Angela M. Machala

Angela M. Machala

Counsel for Robert Hunter Biden

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