

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
	:	
v.	:	S4 11-CR-205 (AKH)
	:	
NICOLAS MADURO MOROS, <i>et al.</i>	:	
	:	
Defendants.	:	
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**BRUCE FEIN’S RESPONSE TO MOTION TO
STRIKE APPEARANCE AND MOTION FOR
PROMPT IN CAMERA INQUIRY**

I, Bruce Fein (“Counsel for Defendant Nicolás Maduro Moros”), respectfully submit this response to the Motion to Strike Appearance filed by Barry J. Pollack, Esq. (Dkt. 279) and the accompanying declaration (Dkt. 279-1). Counsel submits this filing in the spirit of professional restraint and judicial economy, and solely to ensure that the record accurately reflects Defendant Nicolás Maduro Moros’s informed and voluntary choice of counsel, consistent with the Sixth Amendment and the Court’s supervisory authority over attorney appearances.

1. On January 5, 2026, Mr. Pollack filed a notice of appearance as retained counsel for President Maduro (Dkt. 269) and represented him at the initial appearance and arraignment that day (Dkt. 274).

2. On January 6, 2026, Counsel filed a motion to appear pro hac vice (Dkt. 271) and a notice of appearance purporting to appear as counsel for President Maduro (Dkt. 272).

3. The Court granted Counsel’s pro hac vice motion on January 8, 2026 (Dkt. 277). Later that day, Mr. Pollack filed the instant motion seeking to strike Counsel’s appearance (Dkt. 279), supported by a declaration stating that President Maduro does not know Counsel, has not communicated with him, and has not authorized him to enter an appearance (Dkt. 279-1).

Counsel does not dispute Mr. Pollack's declaration or question the accuracy or good faith of his representations to the Court. Counsel makes no allegation of misrepresentation, improper motive, or professional misconduct by Mr. Pollack. Counsel fully accepts that Mr. Pollack has represented to the Court that, as of January 8, 2026, he believes President Maduro has not authorized Counsel to appear on his behalf.

Counsel sought admission and entered an appearance in good faith based upon information received from individuals credibly situated within President Maduro's inner circle or family indicating that President Maduro had expressed a desire for Counsel's assistance in this matter. Counsel offers this information not as a factual contradiction of Mr. Pollack's declaration, but solely to explain the basis for Counsel's good-faith belief that an appearance was warranted to protect the Defendant's right to counsel of choice and to ensure that the Court, not interested parties, definitively determines the Defendant's wishes regarding representation.

Counsel does not request the Court to adjudicate any dispute regarding the reliability or provenance of communications with President Maduro. Instead, Counsel moves the Court to conduct an in camera inquiry to definitively ascertain President Maduro's representation wishes.

Counsel has had no telephone, video, or other direct contact with President Maduro. Counsel respectfully notes, however, that President Maduro was apprehended under extraordinary, startling, and viperlike circumstances, including deprivation of liberty, custodial restrictions on communications, and immediate immersion in a foreign criminal process in a foreign tongue, fraught with the potential for misunderstandings or miscommunications.

The Sixth Amendment protects a criminal defendant's qualified right to be represented by counsel of choice when the defendant has retained counsel. See, e.g., *United States v. Gonzalez-Lopez*, 548 U.S. 140 (2006). At the same time, the Court retains broad authority to manage attorney appearances and to ensure that representation reflects the defendant's informed and voluntary decision. See *Wheat v. United States*, 486 U.S. 153 (1988). Where uncertainty exists as to authorization, the prudent course is a prompt judicial inquiry that confirms the defendant's wishes and avoids prolonged collateral litigation.

An in camera inquiry is particularly appropriate where public airing of attorney-client or representation-related communications could prejudice the defendant, intrude upon confidentiality, or distract from the merits of the prosecution.

To dispel any confusion regarding representation and to permit this matter to proceed without detours or distractions unrelated to the merits of the government's prosecution, Counsel respectfully requests that the Court:

- (a) hold the Motion to Strike (Dkt. 279) in abeyance pending a prompt in camera interview of President Maduro;

- (b) conduct a brief in camera inquiry, at the Court's earliest convenience, to definitively ascertain President Maduro's wishes regarding representation, including whether he wishes to be represented solely by Mr. Pollack, by Counsel, by both, or by other counsel; and

- (c) enter an order consistent with President Maduro's expressed wishes.

If the Court concludes that Counsel's withdrawal would faithfully reflect President Maduro's wishes, Counsel will do so with alacrity and move on consistent with applicable professional obligations governing termination of representation (see, e.g., N.Y. Rule 1.16).

CONCLUSION

For the reasons set forth above, Counsel respectfully requests the Court to hold the Motion to Strike in abeyance, promptly conduct an in camera inquiry of President Maduro to confirm his wishes regarding representation, and enter an order accordingly.

Dated: January 9, 2026

Respectfully submitted,

/s/ Bruce Fein

Bruce Fein, Esq.

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PROPOSED ORDER

Upon consideration of Bruce Fein's Response to the Motion to Strike Appearance and Motion for Prompt In Camera Inquiry, the Motion to Strike (Dkt. 279), any submissions thereto, and the entire record herein, it is hereby:

ORDERED that the Motion to Strike (Dkt. 279) is held in abeyance pending an in camera inquiry of Defendant Nicolás Maduro Moros; and it is further

ORDERED that the Court shall conduct a brief in camera inquiry to ascertain Defendant's wishes regarding representation; and it is further

ORDERED that following such inquiry, the Court shall enter an order clarifying counsel of record consistent with Defendant's expressed wishes.

The Hon. Alvin K. Hellerstein
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January 2026, I filed the foregoing pleading through the ECF system, which shall then send an electronic copy of this pleading to all parties in this action.

/s/ Bruce Fein
Bruce Fein