



U.S. Department of Justice
Office of Professional Responsibility

Washington, D.C. 20530

FEB 29 2008

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Conyers:

We are in receipt of your letter dated January 16, 2008, requesting a review of allegations made by Peter Paliivos, who was convicted of obstruction of justice. We have previously received and considered the documents attached to your letter. We consider this matter closed.

OPR has jurisdiction to investigate allegations of misconduct involving Department of Justice (DOJ) attorneys or law enforcement personnel that relate to the exercise of an attorney's authority to investigate, litigate or provide legal advice on behalf of the Department. It is, however, the policy of this Office to refrain from investigating issues or allegations that were addressed or that could have been addressed in the course of litigation, unless a court has made a specific finding of misconduct by a DOJ attorney or there are present other extraordinary circumstances. Based on our review of your correspondence and the court file, we have determined that the allegations in this matter mirror claims that have been submitted on behalf of Mr. Paliivos to the U.S. District Court that presided over his conviction. The affidavits attached to your letter, or substantially similar ones, were submitted to the court in connection with those claims. That court rejected all of his claims. Because the court has not made a finding of misconduct, and there are no other extraordinary circumstances present, we concluded that no action by this Office is warranted.

We hope that you will find this information useful. An identical letter has been sent to Congressman Scott. Please do not hesitate to contact us in the future with regard to this or any other matter.

Sincerely,


H. Marshall Jarrett
Counsel