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United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARCUS BUTLER, Defendant.	CASE NO. 2:17-CR-00158-JAM STIPULATION AND ORDER FOR TURNOVER OF INMATE TRUST ACCOUNT FUNDS [No Hearing Requested]

The parties, the United States of America ("United States") and defendant Marcus Butler, agree and stipulate as follows:

1. On July 17, 2018, the Court sentenced Butler and ordered him to pay a $100.00 special assessment and $353,672.61 of non-federal restitution. ECF 32 at 6. The judgment requires payment to begin immediately and provides that payment of restitution is due during imprisonment at the rate of not less than $25 per quarter through the BOP Inmate Financial Responsibility Program ("IFRP"). *Id.* at 7. Payments also may be made to the Clerk of Court. *Id.*

2. To date, Butler has paid $400 through the IFRP. Of that amount, $100 paid the special assessment, and the clerk has, or will, apply the $300 towards non-federal restitution. As of March 7, 2022, defendant owes an outstanding balance due of $353,372.61, plus accrued interest.

3. Butler is in custody at the United States Federal Correctional Institution Herlong and is scheduled to be released from federal custody on November 18, 2022. He has an inmate trust account and accounts for his email and telephone usage.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

4. In late 2021, the United States learned that, during the period of November 2019 through May 2021, Butler received regular and frequent deposits into his account from friends and family. Upon the United States' request to encumber funds in the account, the BOP froze $11,253.02.

5. The United States seeks to enforce the criminal monetary penalties the Court imposed against Butler and intends to move for an order requiring BOP to turn over the entire $11,253.02 to the Clerk of Court. Butler wishes to retain some of the funds in the account so that he can enroll in barber school when he is released from prison later this year.

6. To avoid the time and expense of litigating this dispute, the parties reached a compromise by which Butler agrees to voluntarily turn over $7,000.00 of the $11,253.02 frozen in the inmate trust account to the Clerk of Court to be applied towards his outstanding restitution balance, and the United States agrees that Butler may retain the remaining $4,253.02 for his own personal use.

7. The BOP shall make a check for $7,000.00 payable to "U.S. District Court Clerk," and reference Case No. 2:17-CR-00158-JAM on the check. The BOP shall mail the $7,000.00 check to:

United States District Court
Clerk of the Court
501 I Street, Suite 4-200
Sacramento, California 95814

Once the BOP delivers the $7,000.00 check to the Clerk, the BOP shall release the remaining $4,253.02 encumbrance on Butler's inmate trust account.

8. Notwithstanding this agreement, Butler must continue to make quarterly payments of at least $25 through the IRFP while incarcerated as required by the Judgment. Butler must notify the Court and the United States Attorney of any material changes in his economic circumstances that might affect his ability to pay restitution, as required by the Judgment and 18 U.S.C. § 3664(k).

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9. Immediately upon entry of an order approving this stipulation, the Clerk shall send a copy of this order to BOP.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Dated: March 8, 2022 By: */s/ Lynn Trinka Ernce*
LYNN TRINKA ERNCE
Assistant United States Attorney

Dated: March 8, 2022 By: */s/ Marcus Butler as authorized on 2/19/2022*
MARCUS BUTLER, Defendant

Dated: March 8, 2022 By: */s/ Jerome Price*
JEROME PRICE, JR.
First Assistant Federal Defender

ORDER

IT IS SO ORDERED.

Dated: March 9, 2022 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE