

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 2:15-cr-141-FtM-38MRM

THOMAS DAVANZO

ORDER¹

This matter comes before the Court on Motion to Authorize Payment from Inmate Trust Account (Doc. #222) filed on May 1, 2018. The United States moves the court for an order authorizing the Bureau of Prisons to turnover monies held in the defendant's inmate trust account to the Clerk of Court as payment towards his outstanding restitution. The time to file a response to the motion has lapsed and no response has been filed.

18 U.S.C. § 3664 provides the procedures for the imposition and enforcement of restitution:

If a person obligated to provide restitution, or pay a fine, receives substantial resources *from any source*, including inheritance, settlement, or other judgment, during a period of incarceration, such person *shall be required* to apply the value of such resources to any restitution or fine still owed.

As such, an order authorizing turnover of Davanzo's property is appropriate. Further, the Government argues that because the property is cash, it does not fall within the applicable categories of the exempt property that can be claimed in a criminal case. See 18 U.S.C § 3613(a)(1).

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The Court, having considered the motion and the arguments contained therein, will grant the relief requested as outlined below.

Accordingly, it is now

ORDERED:

The Motion to Authorize Payment from Inmate Trust Account (Doc. 222) is **GRANTED**. The Bureau of Prisons is authorized to turn over the funds in defendant Thomas Davanzo's inmate trust account, less \$100 for necessities, to the Clerk of Court to be applied towards his restitution obligation.

DONE AND ORDERED at Fort Myers, Florida, this June 18, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record