

COURT DECISIONS REGARDING PAYING RESTITUTION FROM FEDERAL STIMULUS MONEY IN PRISONERS' ACCOUNTS

[Lamar v. Hutchinson](#)

(E.D. Ark. Sep. 3, 2021)

The Eighth Circuit has definitively spoken in *Mahers v. Halford* on “what process is due before money received from outside sources can be applied toward an inmate’s restitution obligations.” In that case, the “deduction from funds received from outside sources applied to satisfy an inmate’s restitution obligations . . . did not violate the Due Process Clause.”

[United States v. Myers](#)

1:17-cr-258 (D.N.D. Aug. 9, 2021)

The Mandatory Victims Restitution Act, 18 U.S.C. §§ 3663A, et seq., requires that resources received by a defendant from any source during his term of incarceration be applied to his outstanding restitution obligation.

[United States v. Wade](#)

8:04CR462 (D. Neb. Jan. 19, 2022)

The government can treat a defendant's restitution as if it were a lien or civil judgment, and use methods laid out in statute, as well as “all other available and reasonable means, ” to collect.

[United States v. Alexander](#)

6:02-CR-60036-01 (W.D. La. May. 20, 2021)

The government is correct that the MVRA grants the government authority to collect restitution from inmate trust accounts.

[United States v. Lattaker](#)

3:07-CR-00094-RJC-DSC (W.D.N.C. Sep. 15, 2021)

Second, Defendant states that he received three stimulus checks under the CARES Act and seems to believe those funds are unavailable to the Government. The MVRA provides that substantial resources received from “any source” during a period of incarceration should be put towards restitution. 18 U.S.C. § 3664(n). These funds are not exempt under § 3613(a), and the Court is unaware of any provision in the CARES Act or American Rescue Plan Act that prohibits the use of stimulus funds to pay restitution or exempts those funds under § 3613(a)(1).