

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

AMANDA CHRISTIAN,

Defendant.

CRIMINAL ACTION NO.
1:20-CR-00296-JPB-09

ORDER

This matter is before the Court on Amanda Christian's ("Defendant") Motion to Amend Judgment and Commitment [Doc. 731]. This Court finds as follows:

BACKGROUND

On September 13, 2022, Defendant was sentenced to forty-one months of imprisonment and three years of supervised release for conspiracy to commit fraud. See [Doc. 569]. Defendant was also ordered to pay restitution totaling \$835,542 to be paid jointly and severally. Id. at 6. Defendant is currently incarcerated at Federal Prison Camp Alderson ("FPC Alderson") in West Virginia. [Doc. 731].

Defendant filed the instant Motion requesting that this Court amend her restitution payment schedule to lower her payment to \$100 every quarter while she

remains incarcerated. Id. Defendant requests a lower payment amount because her current employment position in the prison library pays only \$19 to \$23 per month. Id.

The Government opposes Defendant's motion. [Doc. 732]. In its opposition, the Government contends that Defendant has "failed to establish a material change in her economic circumstances that would justify an adjustment to her payment schedule." Id. According to the Government, the Court knew when it ordered Defendant's payment schedule that she would have limited funds while incarcerated. Id. at 2. In addition to this, the Government asserts that Defendant did not "cite any change to the net worth she reported to Probation in 2021." Id. The Government also argues that even if Defendant could establish a material change in her economic circumstances, her motion should be denied because she did not notify the Attorney General of her changed economic circumstances as she was required to do under § 3664k. Id. at 3.

ANALYSIS

When ordering restitution, courts consider both the loss sustained by the victims and "the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate." United States v. McClamma, 146 F.

App’x 446, 449 (11th Cir. 2005) (quoting 18 U.S.C. § 3663(a)(1)(B)(i)(II) and citing § 3664(f)(2)(A–C)). After a restitution payment schedule has been set pursuant to 18 U.S.C. §§ 3363 and 3364, a defendant may notify the court of a “material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay restitution” after participating in a restitution payment. See § 3664(k). The Court may then adjust the defendant’s restitution payment schedule “as the interests of justice require.” See id. However, such adjustments may only be issued if there is a “bona fide change in the defendant’s financial condition” that affects his or her ability to pay restitution. McClamma, 146 F. App’x at 449 (quoting Cani v. United States, 331 F.3d 1210, 1215 (11th Cir. 2003)).

In her motion, Defendant provides the Court with her current prison wages and requests that her payment schedule be adjusted. However, the motion fails to demonstrate a material change in Defendant’s economic circumstances since the imposition of her sentence, which included a term of imprisonment. See Cani, 331 F.3d at 1216; see also United States v. Gladden, No. 12-CR-334-WSD, 2015 WL 6506306, at *4 (N.D. Ga. Oct. 26, 2015) (denying defendant’s request for relief from restitution payments when the sentencing court “anticipated that [the defendant’s] ability to pay restitution would be limited by the period of

incarceration to which it sentenced him” and “[n]othing ha[d] changed except the duration and location of [the defendant’s] imprisonment”).

Therefore, Defendant’s Motion to Amend Judgment and Commitment [Doc. 731] is **DENIED**.

SO ORDERED this 25th day of November, 2024.



J. P. BOULEE
United States District Judge