

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted April 24, 2024*

Decided April 25, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 23-2643

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DONALD C. RIDLEY,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Illinois.

No. 13-cr-30084-SMY-2

Staci M. Yandle,
Judge.

ORDER

Donald Ridley, who is incarcerated in federal prison for bank robbery, appeals an order granting the government's request to seize funds from his inmate trust account in order to pay his restitution debt of about \$115,000. While incarcerated, a family member sent to his account more than \$10,000, an inheritance Ridley says came from

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

Ridley's recently deceased grandmother. Granting a motion from the government, the district court authorized the Bureau of Prisons to apply these funds to the restitution Ridley owes. Because the district court properly ruled that Ridley had control over the funds and that the funds could be used for his restitution obligation, we affirm.

Ridley's restitution debt arose from several federal crimes. He was convicted in 2014 of bank robbery, 18 U.S.C. §§ 2, 2113(a), 2113(d), brandishing a firearm, *id.* §§ 2, 924(c)(1)(A)(ii), making a false statement to a federal law enforcement officer, *id.* § 1001(a)(2), and obstruction of justice. *Id.* § 1512(b)(3). He was sentenced to 246 months' imprisonment and five years' supervised release. He also was ordered to pay approximately \$115,000 in restitution, which was "due immediately."

Years later, while Ridley was still in prison, over \$10,000 was deposited in his inmate trust account at the Bureau of Prisons, and the government moved to obtain those funds and apply them to Ridley's restitution. Before Ridley received the government's motion, the Bureau froze his account. Ridley responded by writing to the district court, asking it to halt that action. He explained that he had inherited the money from his recently deceased grandmother, and she wanted the money spent on his children and legal fees. Ridley also replied to the government's motion. He argued that \$6,000 was exempt from his restitution debt because it belonged to his sons, not him. In support, he stated in an affidavit that his cousin, who was the executor of his grandmother's estate, mistakenly deposited that money—bequeathed to his sons—into Ridley's account. He added that he was "preparing to send" the \$6,000 to his sons to fulfill a child-support order when the Bureau froze his account. Finally, he wrote that he had been paying \$50 monthly toward his restitution and that taking the new funds would leave him indigent.

The district court granted the government's motion and directed the Bureau to release the funds to pay Ridley's restitution. The court determined that no evidence supported Ridley's assertions that he was under an order to pay child support, and Ridley failed to substantiate, such as through a valid will, that any of the money was inherited by his sons. As for Ridley's argument that he was making monthly restitution payments, the court explained that those payments did not limit the government's ability to enforce the restitution that he owed.

Ridley appeals the district court's order, but the court properly allowed the government to apply the funds to Ridley's restitution debt. Under 18 U.S.C. § 3664(n), "[i]f 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.” The district court had ample grounds for finding that the funds were in Ridley’s trust account over which he had control; therefore under § 3664(n), it properly authorized the government to apply the funds to restitution. The court was not compelled to accept Ridley’s argument that he did not own those funds: The letter he sent stated only that his grandmother wanted Ridley to spend the funds on his sons, not that the sons owned the funds. And the court did not have to credit Ridley’s affidavit, in which he asserted that other documents—which he did not provide to the court—stated that the funds belonged to his sons.

Ridley responds that, given his pro se status, the district court should have given him another opportunity to support his assertion that \$6,000 of the funds belonged to his sons. We disagree. Although courts will construe pro se filings liberally, *see Estelle v. Gamble*, 429 U.S. 97, 106 (1976), pro se litigants must still follow the procedural rules applicable to counseled litigants. *See McNeil v. United States*, 508 U.S. 106, 113 (1993). Under the district court’s procedure, both Ridley and the government received a chance to address the status of the funds in his account. In fact, Ridley received two chances—the letter he sent to the court and his response to the government’s motion. Despite these two opportunities to substantiate his claim that the funds were legally obligated to his sons, Ridley did not do so. Even on appeal, Ridley does not say what evidence he would have provided to the district court if given another opportunity, nor does he explain why he could not have offered that evidence earlier.

Finally, Ridley argues that Rule 56 of the Federal Rules of Civil Procedure required the district court to give him another opportunity to prove his assertions about the funds, but he is incorrect. Although “restitution in a criminal case is fundamentally a civil remedy,” *United States v. Sawyer*, 521 F.3d 792, 796–97 (7th Cir. 2008), Ridley’s reliance on Rule 56 is inapplicable because, among other reasons, neither he nor the government moved for summary judgment.

AFFIRMED