

## APPENDIX A

**NONPRECEDENTIAL DISPOSITION**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 January 7, 2019\*

Decided January 8, 2019

**Before**

DIANE P. WOOD, *Chief Judge*

DIANE S. SYKES, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 18-2047

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

OLUSOLA AROJOJOYE,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.

No. 09 CR 365-3

Ronald A. Guzmán,  
*Judge.*

**ORDER**

On his second trip to this court after his convictions for bank fraud and aggravated identity theft, Olusola Arojojoye challenges the denial of his motions to modify the conditions of his supervised release and to amend the amount of restitution

---

\* We have agreed to decide this 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).

so.” *United States v. Williams*, 840 F.3d 865 (7th Cir. 2016) (emphasis in original). The judge soundly exercised his discretion when he determined that Arojoye’s motion, filed more than two years before his anticipated release date, was premature and dismissed it without prejudice. *See id.*

Next, Arojoye argues that his payment of restitution is a condition of his supervised release, and thus the district judge has the authority to amend the restitution amount pursuant to § 3583(e)(2). But although the judge may adjust the *schedule* of Arojoye’s payments, he has no authority to amend the total amount. *See* 18 U.S.C. § 3664(k). (“[T]he court may ... adjust the payment schedule, or require immediate payment in full, as the interests of justice require.”). The restitution order itself is part of Arojoye’s sentence. *United States v. Hook*, 471 F.3d 766, 771 n.1 (7th Cir. 2006). Any challenge to a sentence must be made on direct appeal. *United States v. Bania*, 787 F.3d 1168, 1171 (7th Cir. 2015). Arojoye appealed his sentence without challenging the restitution order, so his time to do so has passed. *See id.* Arojoye counters that—even though he challenged the loss amount attributable to him—he was not aware of the alleged error at the time of his direct appeal, but his oversight does not alter the district court’s jurisdiction. *See id.* at 1172. Alternatively, he suggests that the district court had jurisdiction through 18 U.S.C. § 3664(o) and 18 U.S.C. § 3742. But section 3664(o) simply provides that a sentence imposing an order of restitution is a final judgment, and section 3742 allows for the direct appeal of a final sentence. Neither supports Arojoye’s position that the district court had jurisdiction to modify the amount of his restitution obligation. *See Bania*, 787 F.3d at 1172.

AFFIRMED

## APPENDIX B

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.1  
Eastern Division**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:09-cr-00365

Honorable Ronald A. Guzman

Olusola Arojojoye, et al.

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Thursday, April 19, 2018:

MINUTE entry before the Honorable Ronald A. Guzman as to Olusola Arojojoye: Defendant's motion to correct or amend the restitution amount [660] is dismissed as this Court lacks authority to entertain Defendant's motion. See *United States v. Bania*, 787 F3d 1168, 1171–72 (7th Cir. 2015). Defendant's request for counsel entered on the same day [661] is denied. Defendant's motion to modify/amend the conditions of his supervised release [659] is denied without prejudice as premature given that he is still incarcerated and his projected release date according to the Bureau of Prisons' website is March 28, 2020. See *United States v. Hayes*, 672 Fed. App'x. 589 (7th Cir. 2016) (affirming denial without prejudice of motion to modify terms of supervised release by defendant with 3 years left on his prison sentence on grounds it was premature). Defendant may refile the motion three months before his release date. Defendant's motion for attorney representation [658] associated with his motion to modify/amend the conditions of supervised release is denied without prejudice. Mailed notice (is, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

## APPENDIX C

# UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
[www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)

## ORDER

March 7, 2019

*By the Court:*

No. 18-2047	UNITED STATES OF AMERICA, Plaintiff - Appellee  v.  OLUSOLA AROJOJOYE, Defendant - Appellant
<b>Originating Case Information:</b>	
District Court No: 1:09-cr-00365-3 Northern District of Illinois, Eastern Division District Judge Ronald A. Guzman	

The following is before the court: **NOTICE OF APPEAL**, filed on March 6, 2019, by the pro se appellant.

To the extent that the petitioner seeks review of this court's final judgment, he should file a petition for certiorari with the United States Supreme Court, in accordance with the Supreme Court's rules.