

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2594

United States of America

Appellee

v.

Corey Louis Hines

Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:05-cr-00107-HEA-1)

ORDER

The petition for rehearing by the panel is denied.

October 21, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2594

United States of America

Plaintiff - Appellee

v.

Corey Louis Hines

Defendant - Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:05-cr-00107-HEA-1)

JUDGMENT

Before BENTON, ERICKSON, and GRASZ, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the order of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

September 17, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff/Respondent,)
vs.) Case No: 4:05CR107HEA
COREY LOUIS HINES,)
Defendant/Movant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion for Access to the Law Library, [Doc. No. 203], Defendant's Motion for Return of Money taken from his prison account, [Doc. No. 210], and Defendant's Motion in Objection to Plaintiff's Motion for Authorized Payment, [Doc. No. 212].

Defendant seeks an order from this Court which would require the Bureau of Prisons to allow him access to the law library in order that he may prepare to file a Writ. This request is civil in nature and must be filed in a separate civil proceeding, after Defendant has exhausted his administrative remedies. This motion is denied.

On June 2, 2021, Plaintiff filed its Motion To Authorize Payment From Inmate Trust Account, which asked this Court to authorize the Bureau of Prisons (“BOP”) to turnover to the Clerk of the Court the funds in Defendant’s inmate trust account (including any stimulus funds Defendant received from the U.S. Treasury

Department) so the funds could be applied as payment toward Defendant's outstanding criminal monetary penalties imposed by this Court. Plaintiff's motion stated that the BOP had encumbered funds totaling \$1,585.01 in Defendant's inmate trust account. The Court granted Plaintiff's motion. The BOP transferred funds totaling \$1,535.01 from Defendant's inmate trust account and sent them to the Clerk of the Court as payment toward Defendant's outstanding criminal monetary penalties. At Plaintiff's request, the BOP released back to Defendant the remaining \$50.00 that had previously been encumbered so Defendant's inmate trust account would not be entirely depleted.

In the Motion, Defendant argues the \$1,400.00 stimulus check he received "is the only money that's the reason for the order." The Motion also claims that any money in Defendant's account before he received the \$1,400.00 stimulus check cannot be encumbered.

Defendant's arguments fail. Pursuant to 18 U.S.C. § 3613(c), a sentence including criminal restitution or a fine acts as a lien in favor of the United States on all property and rights to property of the person fined. Thus, the United States' lien attaches to Defendant's interest in all funds held by the BOP in his inmate trust account, not merely stimulus funds that Defendant received from the U.S. Treasury Department. Similarly, 18 U.S.C. § 3664(n) provides that, "[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.”

Defendant is required to notify this Court and the Attorney General of any material change in his “economic circumstances” that might affect Defendant’s ability to pay restitution. 18 U.S.C. § 3664(k). “Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.” *Id.* Receipt of any of the funds constituted a material change in Defendant’s “economic circumstances” that affected his ability to pay restitution under section 3664(k). Defendant never notified this Court nor the U.S. Attorney’s Office regarding these funds. The motion for return of funds will be denied.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion for Access to the Law Library, [Doc. No. 203], is DENIED.

IT IS FURTHER ORDERED that Defendant’s Motion for Return of Money taken from his prison account, [Doc. No. 210], is DENIED.

IT IS FURTHER ORDERED that Defendant’s Motion in Objection to

Plaintiff's Motion for Authorized Payment, [Doc. No. 212], is
DENIED. Dated this 6th day of July, 2021.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE