

IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR FAYNE,
Petitioner,

v.

UNITED STATES,
Respondent.

No. 25-6492

SUPPLEMENTAL AUTHORITY PURSUANT TO SUPREME COURT RULE 15.8

Petitioner Arthur Fayne respectfully submits this supplemental authority pursuant to Rule 15.8 to notify the Court of an intervening decision relevant to the issues presented in the petition.

On January 20, 2026, this Court issued its decision in *Ellingburg v. United States*, No. 24-482, holding that restitution imposed under the Mandatory Victims Restitution Act (MVRA) constitutes “plainly criminal punishment” for purposes of the Ex Post Facto Clause. The Court emphasized restitution’s placement within the criminal sentencing framework and rejected its characterization as a purely civil remedy.

This intervening authority is directly relevant to the restitution order at issue in this case. The Sixth Circuit affirmed a restitution award based on judicial fact-finding under a preponderance standard. In light of *Ellingburg*, which recognizes restitution as criminal punishment, the evidentiary basis supporting such a penalty warrants careful constitutional consideration.

Petitioner respectfully submits that this case presents an appropriate vehicle for the Court to consider the implications of *Ellingburg* for restitution determinations and the procedural safeguards required when imposing criminal punishment.

Accordingly, Petitioner respectfully requests that the Court grant the petition, vacate the judgment below, and remand for further consideration in light of *Ellingburg v. United States*.

Respectfully submitted,


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