No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

MIKEL MIMS,
***Petitioner*,**

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

"The power to hear and determine a cause is jurisdiction." *United States v. Arredondo*, 31 U.S. 691, 709 (1832). And "federal district courts have only such jurisdiction as is provided, in terms, by the Constitution or a statute." *Warren G. Kleban Eng'g Corp. v. Caldwell*, 490 F.2d 800, 802 (5th Cir. 1974). Though there is a "limited exception" for "ancillary jurisdiction," *id.*, that doctrine is a "creature of necessity," requiring proof of some "practical need to protect legal rights" of a party. *Peacock v. Thomas*, 516 U.S. 349, 356, 359 (1996) (citation omitted). Therefore, the petitioner presents the following question:

May a district court rely exclusively on the ancillary jurisdiction doctrine to enforce a restitution judgment notwithstanding the existence of legislation independently authorizing that very act?

PARTIES TO THE PROCEEDINGS

Mikel Mims, as the petitioner.

United States of America, as the respondent.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition:

- *United States v. Mims*, No. 14-cr-20210 (S.D. Fla.) (judgment entered Aug. 18, 2022).
- *United States v. Mims*, No. 22-13215 (11th Cir.) (judgment entered Mar. 2, 2026).

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The petitioner, Ms. Mikel Mims, respectfully petitions for a writ of certiorari to review a judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINION BELOW

The Eleventh Circuit judgment to be reviewed was rendered on March 2, 2026. The supporting opinion is reproduced herein as Appendix A-1.

STATEMENT OF JURISDICTION

Ms. Mims brings this petition following the Eleventh Circuit's rendition of a final judgment. This Court therefore has jurisdiction under 28 U.S.C. § 1254(1). Also, this petition is timely. The Eleventh Circuit issued its opinion below on March 2, 2026, thereby making any petition for a writ of certiorari due by Monday, June 1, 2026.

DOCTRINE INVOLVED

This petition addresses the doctrine of "ancillary jurisdiction," which

> a federal court may exercise . . . "(1) to permit disposition by a single court of claims that are, in varying respects and degrees, factually interdependent; and (2) to enable a court to function successfully, that is, to manage its proceedings, vindicate its authority, and effectuate its decrees."

Peacock v. Thomas, 516 U.S. 349, 354 (1996) (quoting *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 379-80 (1994)).

STATEMENT OF THE CASE

1. The underlying criminal judgment.

In April 2014, a federal grand jury in the Southern District of Florida returned an indictment charging Ms. Mikel Mims with one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371 (Count 1); and four counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts 2 and 4 through 6). *United States v. Mims*, No. 14-cr-20210 (S.D. Fla.) (hereinafter, "S.D. Fla.") ECF No. 3 at 1-9. The charges stem from Ms. Mims's involvement in a scheme spanning from December 2008 to March 2013, which was designed to generate proceeds from sales of fraudulently manufactured tickets to a tennis tournament held in Miami-Dade County, Florida. S.D. Fla. ECF No. 42 at 14-15.

Ms. Mims pleaded guilty to Count 1, conspiracy to commit wire fraud. S.D. Fla. ECF No. 42. The district court entered an Amended Judgment, *nunc pro tunc* to July 30, 2014, adjudicating Ms. Mims guilty of that offense, sentencing her to three years' probation, and dismissing the remaining counts. S.D. Fla. ECF No. 65 at 1-2. The Amended Judgment ordered that she pay $255,620 in restitution, at a rate of ten percent of her monthly gross earnings. *Id.* at 4.

Ms. Mims completed probation in or about July 2017. To date, at least $58,232.93 has been credited towards the restitution balance. S.D. Fla. ECF No. 110 at 1.

2. The enforcement proceedings in the district court.

In September 2021—four years after Ms. Mims's probation term ended—the government filed within her prior criminal case a motion (i) claiming she had not paid restitution since 2017, and (ii) requesting a hearing to determine why. S.D. Fla. ECF No. 102. A hearing was held on October 21, 2021. Because Ms. Mims received no notice of it, she was not present. S.D. Fla. ECF No. 126 at 2, 5.

At the hearing, the Honorable Marcia G. Cooke—the district judge assigned to the prior criminal case—questioned the purpose of the government's motion. *Id.* at 2, 4. The court doubted that it had jurisdiction to act within the criminal case given that Ms. Mims's probation term ended years before then. *Id.* at 2-4. The court also questioned why she "never had one of these before in 17 years," in the "hundreds of cases where people owe millions of dollars." *Id.* at 4-6. Judge Cooke declined to take further action without Ms. Mims being notified and given an opportunity to be heard, and until the court could consult with the probation office on the matter. *Id.* at 2, 5.

A status conference followed on November 3, 2021. S.D. Fla. ECF No. 127. Judge Cooke, both parties, and a probation officer appeared. Following argument from court-appointed defense counsel, the court informed the parties that it discussed the matter with the chief probation officer, who "seemed to be unaware of the frequency of these matters." *Id.* at 5. The court also consulted with the probation officer in attendance, who explained that once criminal defendants "have completed supervision we no longer have contact with them, and it becomes a civil matter for the [Financial Litigation Unit] to monitor, at which point I no longer have any jurisdiction to violate any of her supervision as it has terminated." *Id.* at 6. The government then presented argument, after which the court "f[ound] at this time I have no jurisdiction to act." *Id.* at 11-12. The court did, however, welcome a motion from the government explaining whatever law it believed provided grounds for exercising jurisdiction under the prior criminal case, and a response from Ms. Mims. *Id.* at 13-14.

On November 5, 2021, the government filed a *Motion for an Order Directing the Defendant to Comply with the Payment Schedule Imposed by this Court*. S.D. Fla. ECF No. 110. Ms. Mims responded on November 18, 2021, and a reply in support of the motion was filed five days later. S.D. Fla. ECF Nos. 111, 112. On August 18, 2022, the district court issued in the criminal case an order granting the motion (the "Compliance Order"). S.D. Fla. ECF No. 114.

The Compliance Order was signed by the Honorable Cecilia M. Altonaga, Chief Judge of the Southern District of Florida (*id.* at 6)—not Judge Cooke, who in the first instance held that the court lacked criminal jurisdiction and was the only judge to hear oral arguments from the parties. According to the Compliance Order, per Chief Judge Altonaga, the district court agreed with the government's argument "that jurisdiction exists because the criminal restitution judgment has not expired," under subsection (b) of 18 U.S.C. § 3613. *Id.* at 2-3 (citation omitted). The Compliance Order directs that Ms. Mims "must comply with the payment schedule listed in the Amended Judgment." *Id.* at 6. This means she must "resume the required monthly installments" in addition to finding a way to "mak[e] up for her noncompliance" and "pay the arrears" since 2017. *United States v. Mims*, 167 F.4th 1340, 1344, 1347 (11th Cir. 2026). The Order also directs Ms. Mims to submit a completed financial statement of debtor form. *Id.* at 1344.

At no point through the Compliance Order's issuance did the government claim that relief would be proper under the ancillary jurisdiction doctrine. Nor did the district court.

3. The proceedings in the court of appeals.

In their briefs to the Eleventh Circuit, "the parties' argu[ed] about whether various provisions of the MVRA [Mandatory Victims Restitution Act] or FDCPA [Federal Debt Collection Procedures Act of 1990] provided a statutory basis for the district court's jurisdiction" to issue the Compliance Order. *United States v. Mims*, 143 F.4th 1311, 1314 n.4 (11th Cir. 2025), *opinion vacated and superseded on reh'g*, 167 F.4th 1340 (11th Cir. 2026). Oral argument was held in September 2024; it covered only these "statutory" arguments.

The following year, the Eleventh Circuit issued a written opinion affirming the district court. That opinion asserted that the Eleventh Circuit could affirm on any ground supported by the record. *Id.* at 1314 n.4. From there, it revealed that the Eleventh Circuit had determined only that the district court possessed ancillary jurisdiction and, "[t]hus," did "not reach the parties' [statutory] arguments." *Id.* at 1314 n.4, 1316.

Ms. Mims timely petitioned for rehearing. *United States v. Mims*, No. 22-13215 (11th Cir.) (hereinafter, "11th Cir.") ECF No. 52. One of her principal arguments for relief was that affirmance solely on ancillary jurisdiction grounds, which were never raised by the parties themselves, violated principles of party presentation and due process. The affirmance, Ms. Mims added, also ran contrary to the part of *Peacock v. Thomas*, 516 U.S. 349 (1996), where this Court imposed a necessity limitation on the ancillary jurisdiction doctrine.

That petition prompted the Eleventh Circuit to withhold its mandate and provide an opportunity for supplemental briefing. 11th Cir. ECF No. 54. It ordered the parties to answer questions about whether the district court had ancillary jurisdiction or inherent power to issue the Compliance Order, and whether in the first instance the government had forfeited those issues. 11th Cir. ECF No. No. 55.

Ultimately, on March 2, 2026, the Eleventh Circuit issued a new opinion granting rehearing but upholding its affirmance under the ancillary jurisdiction doctrine. *United States v. Mims*, 167 F.4th 1340 (11th Cir. 2026). That opinion notes that "the district court's authority to enforce its judgments" is "significant" enough to justify the Eleventh Circuit's "rare[]" decision to excuse the government's forfeiture of the ancillary jurisdiction issue. *Id.* at 1344 n.4. But once again, the opinion admits that the Eleventh Circuit still had not reached the parties' jurisdictional arguments under the MVRA and the FDCPA. *Id.* It further admits that the Eleventh Circuit did not "reach" Ms. Mims's argument that neither the government nor the district court complied with the FDCPA's procedural requirements. *Id.* at 1347 n.8. Also, the opinion does not mention—much less explain away—Ms. Mims's *Peacock* arguments.

This petition follows.

REASONS FOR GRANTING THE PETITION

The Court may grant a petition for a writ of certiorari where a federal court of appeals has decided "an important federal question in a way that conflicts with relevant decisions of this Court." U.S. SUP. CT. R. 10(c). That criterion embraces this case.

1. The Eleventh Circuit's decision on the question presented conflicts with this Court's precedent imposing a necessity limitation on ancillary jurisdiction.

a. The doctrine of "ancillary jurisdiction" enables a federal court to "effectuate its decrees," *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 380 (1994), and "enforce its judgments," *Peacock v. Thomas*, 516 U.S. 349, 356 (1996). But that is only "[g]enerally speaking." *Kokkonen*, 511 U.S. at 380.

Peacock clarifies that "[a]ncillary enforcement jurisdiction is, at its core, a creature of necessity." 516 U.S. at 359 (first citing *Kokkonen*, 511 U.S. at 380; then citing *Riggs v. Johnson Cnty.*, 73 U.S. 166, 187, *aff'd sub nom. United States ex rel. v. Council of Keokuk*, 73 U.S. 518 (1867)). That means there must exist some "practical need 'to protect legal rights'" of a party. *Id.* at 355 (quoting *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 377 (1978)). For indeed, such a need is the very "basis of the doctrine of ancillary jurisdiction." *Id.* And if that need is nonexistent, then invocation of the doctrine is unjustifiable. *Id.* at 359.

The *Peacock* Court, for instance, determined that the Federal Rules of Civil Procedure obviated any need for ancillary enforcement jurisdiction over a post-judgment lawsuit to "extend liability for payment of [a money] judgment" from the original judgment debtor to a third party. *Id.* at 351-52, 356, 358-60. To that end, the Court explained that the Rules "protect and aid the collection" of federal judgments through "fast and effective mechanisms for execution." *Id.* at 359. "The Rules cannot guarantee payment of every federal judgment," it acknowledged. *Id.* "But as long as they protect a judgment creditor's ability to execute on a judgment, the district court's authority is adequately preserved, and ancillary jurisdiction is not justified over" the post-judgment lawsuit. *Id.*

b. "These principles suggest that ancillary jurisdiction could not properly be exercised in this case." *See id.* at 358. Foremost, *Peacock* and this case arose in similar contexts. The Amended Judgment here imposed a money restitution order against Ms. Mims's pursuant to the Mandatory Victims Restitution Act ("MVRA"). Because the Judgment therefore "awarded legal restitution, it is a money judgment." *U.S. Commodity Futures Trading Comm'n v. Escobio*, 946 F.3d 1242, 1254 (11th Cir. 2020) (per curiam). Additionally, years after Ms. Mims completed her probationary sentence under the Judgment, the government moved the district court to compel her compliance with her restitution obligations. Thus, this case—like *Peacock*—involves post-judgment proceedings related to the enforcement of a party's "legal rights" under a final money judgment. *See Peacock*, 516 U.S. at 355.

Next, like the procedural rules in *Peacock*, statutory law provides "fast and effective mechanisms for execution" of the money judgment here. *See id.* at 359. The MVRA expressly governs the "procedure for [both the] issuance and [the] enforcement of order[s] of restitution." 18 U.S.C. § 3664. It "specifically import[s]" the procedures of the Federal Debt Collection Procedures Act, or "FDCPA." *United States v. Mays*, 430 F.3d 963, 966 (9th Cir. 2005). *See* 18 U.S.C. § 3613(a), (f) (MVRA provisions authorizing the government to enforce a restitution order "in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law"); *United States v. Phillips*, 303 F.3d 548, 551 (5th Cir. 2002) ("The federal law that provides the practices and procedures for the enforcement of a civil judgment is the FDCPA."). So the MVRA, through the FDCPA, makes several "enforcement remedies available to the [the government] when it seeks to collect restitution." *Escobio*, 946 F.3d at 1252, 1254 (citing 28 U.S.C. §§ 3001, 3002(3)(B), 3002(8)). *See also id.* (holding that a "restitution award is subject to the limitations of the FDCPA").

Finally, that statutory scheme has proven capable of "protect[ing] [the government's] legal rights" under the restitution judgment. *See Peacock*, 516 U.S. at 355. The FDCPA's enforcement "tools" include execution, installment-payment orders, garnishment, and court-ordered sales of debtor property. *Escobio*, 946 F.3d at 1252, 1254; 28 U.S.C. § 3201(f). Between 2014 and 2016, the government used those remedies to satisfy a considerable portion of Ms. Mims's restitution debt; this included a writ of execution and property sale proceeds. S.D. Fla. ECF Nos. 66, 67, 68, 69, 88, 90, 94, 100. *See also* 28 U.S.C. §§ 3201(f), 3202(e), 3203(c)(1), 3203(e), 3203(g)(1)(A). At no point before this petition did the government claim that the remedies now are unavailable to it. Nor did it claim that the remedies have become ineffective. Presumably, then, the MVRA/FDCPA scheme thus far has sufficiently "protect[ed] [this] judgment creditor's ability to execute on [the restitution] judgment." *See Peacock*, 516 U.S. at 359. And the upshot is that statutory law has "adequately preserved" the district court's authority over Ms. Mims's restitution obligations, thereby obviating any "practical need" for ancillary jurisdiction. *See id.* at 355, 359.

The Eleventh Circuit did not rule otherwise below. It would not have, in fact—the Eleventh Circuit admitted it never "reach[ed]" the question of whether "the MVRA or FDCPA provided a statutory basis for the district court's jurisdiction." *United States v. Mims*, 167 F.4th 1340, 1344 n.4 (11th Cir. 2026).

c. Nothing in the government's supplemental briefing below undermines Ms. Mims's application of *Peacock*.

i. To disprove Ms. Mims's reading of *Peacock*, the government claimed that no "other case holds that district courts may exercise ancillary jurisdiction only if other enforcement mechanisms are unavailable." 11th Cir. ECF No. 60 at 16. But that's not true. *See, e.g.*, *Oetting v. Norton*, 795 F.3d 886, 891 n.5 (8th Cir. 2015) ("Oetting did not need to invoke the district court's ancillary jurisdiction because the Class Action Fairness Act provided an independent basis for federal jurisdiction over a separate action." (citing 28 U.S.C. § 1332(d))). *See also Syngenta Crop Prot., Inc. v. Henson*, 537 U.S. 28, 34 & n.2 (2002) (this Court rejected petitioners' argument that it was "necessary and appropriate" for a district court—which had retained jurisdiction over a class-action settlement between the parties—to exercise ancillary jurisdiction over respondent's parallel action that petitioners had removed from state court and moved the district court to dismiss pursuant to the settlement terms, reasoning that petitioners could have instead applied to the district court for an injunction or asked the state court to determine whether the class-action judgment barred respondent's state-court action).

ii. Alternatively, the government characterized *Peacock*'s principal "concern" as being about "the exercise of ancillary jurisdiction over new matters or parties." 11th Cir. ECF No. 60 at 17 (citing *Peacock*, 516 U.S. at 359). The referenced analysis, however, actually bolsters Ms. Mims's position.

In determining ancillary jurisdiction's "reach," *Peacock* explains, this Court has "cautioned against the exercise of jurisdiction over proceedings that are entirely new and original, or where the relief [sought is] of a different kind or on a different principle than that of the prior decree." 516 U.S. at 358 (alteration in original) (citations omitted).

Applying those principles, the Court determined that ancillary jurisdiction could not properly be exercised in *Peacock*. *Id.* at 358-59. The respondent there successfully sued his former employer under the Employee Retirement Income Security Act of 1974, or "ERISA." *Id.* at 351. After the district court entered a money judgment in the respondent's favor, the respondent sued the employer's corporate officer to "extend liability for payment" of the money judgment to the officer. *Id.* at 351-52. That action, however, alleged only civil conspiracy and fraudulent transfer of the employer's assets. *Id.* at 358. It did not allege any substantive ERISA violation. *Id.* Additionally, the alleged wrongdoing in the subsequent action occurred after the ERISA judgment. *Id.* And the theories of relief in that action "did not exist, and could not have existed, at the time the [district] court entered judgment in the ERISA case." *Id.* at 359. So "[o]ther than the existence of the ERISA judgment itself, th[e subsequent] suit ha[d] little connection to the ERISA case." *Id.*

This case is no different. Ms. Mims pleaded guilty to one count of conspiracy to commit wire fraud. S.D. Fla. ECF No. 42. The crime stemmed from her involvement in a scheme spanning from December 2008 to March 2013, which was designed to generate proceeds from sales of fraudulently manufactured tickets to a tennis tournament. *Id.* at 14-15. The district court entered an Amended Judgment, *nunc pro tunc* to July 30, 2014, adjudicating Ms. Mims guilty of the charged offense and sentencing her to three years' probation. S.D. Fla. ECF No. 65 at 1-2. The Amended Judgment ordered that she pay $255,620 in restitution in monthly installments. *Id.* at 4.

Seven years later, the government moved the district court for an order directing Ms. Mims "to Comply with the Payment Schedule Imposed by th[at] Court." S.D. Fla. ECF No. 110. But as in *Peacock*, the motion did not assert any substantive conspiracy or wire-fraud-related offense. *Id. See Peacock*, 516 U.S. at 358. The wrongdoing alleged in the motion—Ms. Mims had "not made monthly payments with the Clerk of the Court since 2017" (S.D. Fla. ECF No. 110 at 1)—occurred after restitution was ordered. *See Peacock*, 516 U.S. at 358. And given that allegation, the theory of relief—that Ms. Mims "is in default" (S.D. Fla. ECF No. 110 at 1)—"did not exist, and could not have existed, at the time the [district] court entered judgment in the [conspiracy] case." *See Peacock*, 516 U.S. at 359. So "[o]ther than the existence of the [conspiracy] judgment itself," the proceedings below have "little connection to the [conspiracy] case." *See id.*

That being said, the part of *Peacock* on which the government relied strengthens the conclusion "that ancillary jurisdiction could not properly be exercised in this case." *See id.* at 358.

* * *

In short, *Peacock* dictates that "ancillary jurisdiction is not justified over" new post-judgment proceedings to enforce Ms. Mims's restitution obligations. *See id.* at 359. So the decision below—which rests exclusively on that doctrine—"conflicts with relevant decisions of this Court." *See* U.S. SUP. CT. R. 10(c).

2. The question presented is exceptionally important.

This is so for at least four reasons:

First, the question presented generally addresses the jurisdiction of Article III district courts. Issues concerning that topic are considered "'sufficiently important to warrant certiorari.'" *Allapattah Servs., Inc. v. Exxon Corp.*, 362 F.3d 739, 753 (11th Cir. 2004) (Tjoflat, J., dissenting) (quoting Robert L. Stern, *Supreme Court Practice* 253 (8th ed. 2002)).

Second, the question also addresses "the district court's authority to enforce its judgments." *Mims*, 167 F.4th at 1344 n.4. As the decision below acknowledges, that issue "presents a significant question of general impact." *Id.* Indeed, this case is about the enforcement of a restitution judgment. Restitution accounts for more than $110 billion of the private debt owed to the federal government. Walter Pavlo, *Study Finds*

Federal Restitution Benefits Few, Including Victims, FORBES (Sept. 21, 2025), https://www.forbes.com/sites/walterpavlo/2025/09/21/study-finds-federal-restitution-benefits-few-including-victims/. And that amount spreads across tens—if not hundreds—of thousands of individuals. *See id.* (noting that "[t]he average restitution order exceeds $3.3 million").

Third, "considerable research and study" show that ancillary jurisdiction is "the sire of confusion." *McDonald v. Oliver*, 642 F.2d 169, at 172 n.4. (5th Cir. 1981). Denying this petition would allow such confusion to fester. The MVRA expressly governs the "enforcement of order[s] of restitution." 18 U.S.C. § 3664. Meanwhile, "[t]he FDCPA limits the enforcement remedies available to the [government] when it seeks to collect restitution." *Escobio*, 946 F.3d at 1254. *See also* 28 U.S.C. §§ 3001(a)(1), 3002(3)(B). Because the Eleventh Circuit declined to "reach" those acts in evaluating the availability of ancillary jurisdiction, its decision below creates uncertainty regarding the role, if any, that statutory law plays in restitution proceedings.

Fourth, and for the same reason, the question presented is important because it highlights due process and separation-of-power concerns. For example, the FDCPA statutes governing "Installment payment order[s]" require a district court to conduct a hearing on particular factors that might affect a judgment debtor's ability to satisfy his or her debt. 28 U.S.C. § 3204(a). Before "the court may modify the amount of payments, alter their frequency, or require full payment," the government must "show[] that the judgment debtor's financial circumstances have changed or that assets not previously disclosed by the judgment debtor have been discovered." *Id.* § 3204(b). Under this Court's precedent, a district court cannot "dispense with the need for compliance with [those] statutory requirements" simply by invoking ancillary jurisdiction. *Henson*, 537 U.S. at 34. But that appears to be precisely the procedure sanctioned by the published decision below.

3. This case is an ideal vehicle for resolving the question presented.

First, the decision below has been published and will therefore bind future litigants and district courts in the Eleventh Circuit. This, despite the Florida district court's revelation that it "never had one of these [scenarios] before in 17 years," in the "hundreds of cases where people owe millions of dollars." S.D. Fla. ECF No. 126 at 4-6.

Second, the pertinent facts are undisputed: (i) the government brought post-judgment proceedings to enforce a money judgment; (ii) the government has already utilized statutory remedies for satisfying the judgment; and (iii) to date, neither it nor the Eleventh Circuit has claimed that the remedies no longer are available. Accordingly, this case cleanly fits within the contours of *Peacock*.

Third, and for the same reasons, granting this petition should not hinder the government's ability to execute Ms. Mims's restitution order. The parties have never disputed whether at least one statute of the MVRA or the FDCPA provides ground for the district court to enforce the restitution order against Ms. Mims. They merely disagree as to whether—after years of the government's abdicating its statutory duty to collect unpaid restitution, *see* 18 U.S.C. § 3612(c); S.D. Fla. ECF Nos. 95, 96, 102—

enforcement now must occur through an independent civil proceeding, rather than Ms. Mims's closed criminal case.

4. The decision below is wrong.

a. In affirming the district court's jurisdiction, the Eleventh Circuit relied on this Court's comments about invoking ancillary jurisdiction to "enable[]" a district court to "effectuate its decrees" and "enforce a judgment." *Mims*, 167 F.4th at 1345 (first quoting *Kokkonen*, 511 U.S. at 379-80; then quoting *Peacock*, 516 U.S. at 356). But when the Court first made those comments in decisions like *Kokkonen*, it was only "[g]enerally speaking." 511 U.S. at 379. As demonstrated above, *Peacock* (and other decisions) later clarified that ancillary jurisdiction fundamentally is a "creature of necessity" requiring a "practical need to protect [a party's] legal rights." 516 U.S. at 356, 359. *See also McDonald*, 642 F.2d at 172 n. 4 ("[T]the doctrine of ancillary jurisdiction is the child of necessity . . . ."). Supplemental briefing brought this necessity element to the Eleventh Circuit's attention. Yet, the decision below does not so much as mention it.

b. For the same reasons, the Eleventh Circuit's reliance on the inherent authority doctrine was misplaced. The Eleventh Circuit cited its own precedent for the proposition "that district courts have 'inherent power to enforce compliance with their lawful orders through civil contempt.'" *Mims*, 167 F.4th at 1345 (quoting *Citronelle-Mobile Gathering, Inc. v. Watkins*, 943 F.2d 1297, 1301 (11th Cir. 1991)). It then claimed that the district court below "was proceeding under its inherent authority with ancillary jurisdiction." *Id.* at 1347 n.8.

But inherent authority—like ancillary jurisdiction—requires some necessity that simply does not exist in this case. *Compare Peacock*, 516 U.S. at 356 (noting that ancillary jurisdiction is reserved for the exercise of "inherent power"), *with Degen v. United States*, 517 U.S. 820, 829 (1996) ("A court's inherent power is limited by the necessity giving rise to its exercise. There was no necessity to justify the rule of disentitlement in this case[.]").

Moreover, the cited *Watkins* decision shows that any notion that civil contempt is available to enforce "orders" is only a general proposition. Other Eleventh Circuit precedents both predating and following *Watkins* confirm that civil contempt is not available to enforce compliance with restitution and other money judgments. *See Escobio*, 946 F.3d at 1253 ("Contrary to the District Court's conclusion and the statute's label, the restitution at issue here is properly characterized as a money judgment. And as a money judgment, it is not enforceable by contempt." (citing *Combs v. Ryan's Coal Co.*, 785 F.2d 970, 980 (11th Cir. 1986))).

c. Finally, the Eleventh Circuit was misguided by *Kokkonen*. There, the parties reached an oral settlement of state-law claims they had brought against one another in federal court pursuant to the diversity jurisdiction statute. *Kokkonen*, 511 U.S. at 376. Their ensuing stipulation and order of dismissal, entered by the district court, did not mention the settlement agreement. *Id.* at 376-77. Nor did they reserve the district court's jurisdiction for enforcement purposes. *Id.* The district court nonetheless granted a motion to enforce the settlement agreement, and the Ninth Circuit affirmed. *Id.* at 377-78. But this Court reversed, holding that none of the purposes or "heads" of ancillary jurisdiction supported the appellate judgment. *Id.* at 379-80.

The Eleventh Circuit asserted that *Kokkonen* still supports ancillary jurisdiction here. *Mims*, 167 F.4th at 1346. This is because the *Kokkonen* Court noted that "[t]he situation would be quite different if the parties' obligation to comply with the terms of the settlement agreement had been made part of the order of dismissal." 511 U.S. at 381. In that event, the Court added, "a breach of the agreement would be a violation of the order, and ancillary jurisdiction to enforce the agreement would therefore exist." *Id.* The Eleventh Circuit found those circumstances to be similar to the facts here, in that Ms. Mims's necessarily violated a district court judgment by violating the restitution order that had been "made part of" that judgment. *Mims*, 167 F.4th at 1346.

The problem with this rationale is twofold. First, as even the decision below acknowledges, the rationale rests on dicta. *Id.* And *Kokkonen* makes clear that "[i]t is to the holdings of [Supreme Court] cases, rather than their dicta, that [federal courts] must attend." 511 U.S. at 379.

Second, the Eleventh Circuit's "expansive [reading] of [*Kokkonen*] can be countered by . . . later cases" about ancillary jurisdiction's requirements. *See id.* *Henson*, for example, disapproved of a district court's ancillary jurisdiction over the respondent's tort action, which the petitioners had removed from state court and sought to dismiss pursuant to the terms of their and the respondent's settlement in a parallel federal class action. 537 U.S. at 30. The same district court had retained jurisdiction over the settlement. *Id.* at 33-34. The petitioners emphasized that fact in arguing that their case was distinguishable from *Kokkonen* and, thus, "ancillary enforcement jurisdiction was necessary and appropriate." *Id.*

This Court was unpersuaded. *Id.* at 34. It noted that "[r]emoval is governed by statute, and invocation of ancillary jurisdiction . . . does not dispense with the need for compliance with statutory requirements." *Id.* Because the petitioners "fail[ed] to explain how the Alabama District Court's retention of jurisdiction over the [class action] settlement authorized *removal* of the [state-court] action," the Court held that ancillary jurisdiction was not proper. *Id.* (emphasis in original).

The same is true here. Enforcement of final restitution orders is governed by statutes like the MVRA and the FDCPA. *See id.* But the Eleventh Circuit, having declined to reach the parties' statutory arguments, *Mims*, 167 F.4th at 1344 n.4, could not explain how the Amended Judgment's inclusion of the restitution order satisfied the MVRA's and the FDCPA's statutory requirements. *See Syngenta*, 537 U.S. at 34. *See also Mims*, 167 F.4th at 1347 n.8 ("We do not reach th[e] argument [that the government and the district court did not comply with the FDCPA's procedural requirements] because we conclude, as discussed, that the district court was proceeding under its inherent authority with ancillary jurisdiction, not proceeding under the FDCPA.").

CONCLUSION

For the foregoing reasons, the Court should grant this petition for a writ of certiorari.

Respectfully submitted,

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