APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 25-50395
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
April 14, 2026
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROSEZZETTEA LEE LOPEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:24-CR-248-1

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:[*]

Rosezzettea Lee Lopez challenges the sufficiency of the evidence supporting her convictions for conspiracy to transport undocumented individuals, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and (B)(i), and transportation of undocumented individuals for the purpose of commercial advantage or private financial gain, in violation of 8 U.S.C.

[*] This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

§ 1324(a)(1)(A)(ii) and (B)(i). She also raises several constitutional claims for the first time on appeal. We AFFIRM.

I

On January 12, 2024, Lopez drove her pickup truck to a United States Border Patrol checkpoint near Eagle Pass, Texas. Her boyfriend, Edward Flores, and four other individuals were also in the vehicle. After detecting the odor of marijuana, agents directed the vehicle to a secondary inspection area. An immigration check revealed that Lopez and Flores were United States citizens, but that the four other occupants were unlawfully in the United States without documentation. All were arrested and transported to a border patrol station. Lopez waived her *Miranda*[1] rights, agreed to speak with law enforcement, and consented to a search of her cellphone.

Agents conducted three recorded interviews with Lopez. She explained that she had lost her job in December 2023 and applied for a driver position posted online by an individual she knew as "Josh Drivers." Josh described the job as picking up and transporting people to different locations. Lopez began picking up people in the Houston area, and Josh later told her additional jobs were available involving people from El Salvador and Venezuela. She received "pings" showing pickup locations, and Josh paid her in cash or through her WhatsApp account.

As for the four individuals found at the checkpoint, Lopez initially stated that after an original passenger did not appear, Flores encountered the group at a casino, and they requested a ride to Austin. She denied knowing they were undocumented and stated no monetary arrangements were made. In her final interview, however, Lopez abandoned the casino story and stated

[1] *Miranda v. Arizona*, 384 U.S. 436 (1966)

she received a "ping" to pick up the group. When asked who coordinated "this smuggling event," she claimed it was organized "through Josh." She also stated she expected to receive $500 for the original solo passenger.

Lopez's cellphone also contained extensive communications with Josh and another individual, "Randy," spanning from December 11, 2023, through January 12, 2024. When Lopez first inquired about the position, Josh told her it was an "under the table type of thing" involving driving individuals who had "just crossed the border and just need a ride past the cops," with pay of "1K per person." Lopez responded that she was "interested" and understood "what the job [was] requesting." Later messages showed Lopez coordinating dates, times, and locations for transporting individuals on multiple occasions. The messages also discussed whether the checkpoint was open or closed, with Josh noting that "this job gets a little bit more complicated when its open." Lopez transported individuals or groups at least six times between December 14, 2023, and January 11, 2024.

On January 11th, the day before the charged offense, messages showed Lopez traveled to Eagle Pass with Flores, received location coordinates from Randy, and picked up and dropped off an individual. The next day, Lopez and Randy exchanged voice calls and messages, including directions. Lopez shared her location with Randy shortly before arriving at the checkpoint.

A grand jury returned a two count indictment charging Lopez with conspiracy to transport undocumented individuals, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and (B)(i), and transportation of undocumented individuals for the purpose of commercial advantage or private financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (B)(i). At the close of the Government's case, Lopez moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29, which the district court denied. Lopez then rested without putting forward any evidence in her defense. The jury found her guilty on both counts and further found that her commission of the transportation offense was for the purpose of commercial advantage and private financial gain. Lopez timely appealed.

II

Lopez argues that the evidence presented at her trial was insufficient to support either conviction. Additionally, she argues that her prosecution chilled her First Amendment right of freedom of association, that her consent for law enforcement to search her cellphone was involuntarily given, in violation of the Fourth Amendment, and that her prosecution violated her constitutional right to interstate travel. We address each claim in turn.

A

We review Lopez's preserved sufficiency challenges de novo, asking "whether a reasonable jury could have properly concluded, weighing the evidence in a light most deferential to the verdict rendered by the jury, that all of the elements of the crime charged had been proven beyond a reasonable doubt." *United States v. Shaughnessy*, 157 F.4th 378, 385 (5th Cir. 2025) (quoting *United States v. Hope*, 487 F.3d 224, 227 (5th Cir. 2007)).

To convict Lopez of conspiracy to transport undocumented individuals under § 1324(a)(1)(A)(v)(I), the Government was required to prove that she "(1) agreed with one or more persons (2) to transport an undocumented alien inside the United States (3) in furtherance of his unlawful presence (4) knowingly or in reckless disregard of the fact that the alien's presence in the United States was unlawful." *United States v. Jimenez-Elvirez*, 862 F.3d 527, 533–34 (5th Cir. 2017) (citing *United States v. Chon*, 713 F.3d 812, 818 (5th Cir. 2013)). The agreement need not be explicit or formal; a tacit agreement suffices. *Chon*, 713 F.3d at 818. And the elements of conspiracy "may be established solely by circumstantial evidence, including the presence, association, and concerted action of the defendant with others." *Jimenez-Elvirez*, 862 F.3d at 534 (citations and internal quotations omitted).

We conclude the evidence on the conspiracy count was sufficient. Lopez's cellphone messages established that she was aware of the nature of the enterprise from the outset. Josh told her the job was an "under the table type of thing" involving people who had "just crossed the border and just need a ride past the cops," paying "1K per person." Lopez confirmed she understood and, over the following month, repeatedly initiated and accepted transportation jobs, coordinated pickup and drop-off locations and times, discussed checkpoint status, and received instructions on evading detection. She transported individuals or groups at least six times between December 2023 and January 2024. And on January 12th, Lopez was in contact with Randy and shared her location shortly before arriving at the Eagle Pass checkpoint. These communications reflect a sustained, knowing agreement to transport undocumented individuals in furtherance of their unlawful presence.

Lopez's inconsistent statements to law enforcement further support the verdict. She initially claimed Flores encountered a group at a casino who requested a ride. She later abandoned that account and admitted she received a "ping" to pick up the group, and that the "smuggling event" was coordinated "through Josh." A jury may reasonably infer guilty knowledge from such inconsistent and implausible explanations. *See United States v. Cano-Guel*, 167 F.3d 900, 904–05 (5th Cir. 1999). In sum, viewing the evidence in the light most favorable to the verdict, a rational jury could have found beyond a reasonable doubt that Lopez conspired with one or more persons to transport undocumented individuals into the United States.

We likewise conclude that the evidence was sufficient to prove Lopez transported undocumented individuals within the United States for commercial advantage or private financial gain under § 1324(a)(1)(B)(i).[2] To establish the financial-gain element, the Government must prove Lopez sought "to profit or otherwise secure some economic benefit from [the] smuggling endeavor." *Ruiz-Hernandez*, 890 F.3d at 210 (quoting *United States v. Garcia*, 883 F.3d 570, 574 (5th Cir. 2018)). The statute "does not require proof of *actual* payment, only evidence that the smuggling activity was undertaken for the *purpose* of financial gain." *Id.* "[A] jury is free to infer such a purpose from circumstantial evidence, including evidence that the defendant did not previously know the individuals being smuggled, and evidence that others in the same smuggling operation had received or would receive money." *Id.* (internal citations omitted).

Ample circumstantial evidence supports the jury's verdict. From the outset, Lopez's participation in the enterprise was financially motivated. She told agents she had lost her job and was trying to earn money. Josh's initial job posting promised "1K per person." Her messages referred to specific payment amounts, including up to $2,200 for certain jobs. Lopez admitted that she had earned three to four thousand dollars. And she stated she expected to receive $500 for the original passenger she was to pick up on the

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[2] A conviction under 8 U.S.C. § 1324(a)(1)(A)(ii) requires proof that "(1) the defendant transported or attempted to transport an alien within the United States, (2) the alien was in the United States illegally, (3) the defendant knew of or recklessly disregarded the fact that the alien was in the United States illegally, and (4) the defendant acted willfully in furtherance of the alien's violation of the law." *United States v. Carmona-Ramos*, 638 F. App'x 351, 355 (5th Cir. 2016). Section 1324(a)(1)(B)(i) increases the maximum penalty from five to ten years of imprisonment if the offense was committed for the purpose of commercial advantage or private financial gain. *United States v. Ruiz-Hernandez*, 890 F.3d 202, 210 (5th Cir. 2018). Lopez challenges only the financial-gain enhancement; she does not contest the sufficiency of the evidence supporting the four elements of the underlying transportation offense.

date of the charged offense. Her conduct on January 11th and 12th followed the same pattern as her prior paid transports.

That the record does not establish the precise dollar amount Lopez anticipated for the January 12th trip does not render the evidence insufficient. The financial-purpose element is prospective and intent-based. *Garcia*, 883 F.3d at 575. A rational jury could have found beyond a reasonable doubt that Lopez expected to be paid for transporting the four undocumented individuals on January 12th, just as she had been paid on prior occasions. *See Ruiz-Hernandez*, 890 F.3d at 210.

B

Lopez also raises several constitutional claims for the first time on appeal: that her prosecution violated her right to interstate travel, that her consent to the cellphone search was involuntary under the Fourth Amendment, and that the Government's theory of liability chills First Amendment associational rights. Because she did not raise these claims below, our review is limited to plain error. *Shaughnessy*, 157 F.4th at 387 (citing *United States v. Cervantes*, 706 F.3d 603, 616 (5th Cir. 2013)).

None of Lopez's constitutional claims demonstrate plain error. As to the right to interstate travel, Lopez cites no precedent holding that a prosecution under § 1324 violates a defendant's right to interstate travel, nor does she show error in the straightforward application of existing cases. *United States v. Jones*, 88 F.4th 571, 574 (5th Cir. 2023). And, as discussed above, the evidence established far more than Lopez's mere presence on a highway. As to the Fourth Amendment, Lopez signed a written consent form, and the mere presence of armed officers does not necessarily render a situation coercive. *United States v. Martinez*, 410 F. App'x 759, 764 (5th Cir. 2011). Indeed, Lopez concedes that this argument "is likely foreclosed in the Fifth Circuit." As to the First Amendment, the contention that § 1324 prosecutions chill associational rights is speculative, and Lopez offers no supporting precedent.

III

The judgment of the district court is AFFIRMED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 14, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or Rehearing En Banc

No. 25-50395 USA v. Lopez
USDC No. 2:24-CR-248-1

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari**. Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

By: ____________________________
Jasmine J. Forman, Deputy Clerk
504-310-7649

Enclosure(s)

Mr. Joseph Ostini
Ms. Angela Sandoval Raba
Mr. Zachary Carl Richter

APPENDIX B

FILED

MAY 22 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY CLERK

UNITED STATES DISTRICT COURT
Western District of Texas
DEL RIO DIVISION

UNITED STATES OF AMERICA

v.

(1) Rosezzettea Lee Lopez
Defendant

Case Number: 2:24-CR-00248(1)-EG
USM Number: 94641-510

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, (1) Rosezzettea Lee Lopez, was represented by Gregory Torres.

The defendant pled guilty to Count(s) One and Two of the Superseding Indictment on December 20, 2024. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s)

Title and Section	Nature of Offense	Offense Ended	Count(s)
8 U.S.C. § 1324(a)(1)(A)(v)(I)&(B)(i)	Conspiracy to Transport Illegal Aliens	January 12, 2024	One
8 U.S.C. § 1324(a)(1)(A)(ii)&(B)(i)	Illegal Alien Transportation (Profit)	January 12, 2024	Two

As pronounced on May 15, 2025, the defendant is sentenced as provided in pages 2 through 6 of the judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for the district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by the Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 22nd day of May 2025.

Ernest Gonzalez

ERNEST GONZALEZ
United States District Judge

Arresting Agency: United States Border Patrol

Defendant: Rosezzettea Lee Lopez
Case Number: 2:24-CR-00248 (1)-EG

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **TWENTY-SIX (26) MONTHS as to each of counts One and Two to run concurrently to each other** with credit for time served, pursuant to 18 U.S.C. § 3584(a).

The Court makes the following recommendation to the Bureau of Prisons:

That the defendant be incarcerated in a federal facility as close to Houston, Texas as possible.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this judgment as follows:

____
____
____
____

Defendant delivered on __________________ to __________________
At ____________________________ with a certified copy of the Judgment.

____
United States Marshal

By ________________________
Deputy Marshal

Defendant: Rosezzettea Lee Lopez
Case Number: 2:24-CR-00248 (1)-EG

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS as to each of counts One and Two to run concurrently to each other**.

While on supervised release, the defendant shall comply with the mandatory, standard, and if applicable, the special conditions that have been adopted by the court, and shall comply with the following additional condition(s):

_X_ The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.

_X_ The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment based on the ability to pay.

_X_ The defendant shall not use or possess any controlled substances without a valid prescription. If a valid prescription exists, the defendant must disclose the prescription information to the probation officer and follow the instructions on the prescription.

_X_ The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing based on the ability to pay.

_X_ The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.

_X_ The defendant shall participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment based on the ability to pay.

_X_ The defendant shall take all mental health medications that are prescribed by the treating physician, as prescribed.

_X_ The defendant shall provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

Defendant: Rosezzettea Lee Lopez
Case Number: 2:24-CR-00248 (1)-EG

MANDATORY CONDITIONS

1) The defendant shall not commit another federal, state, or local crime during the term of supervision.

2) The defendant shall not unlawfully possess a controlled substance.

3) The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug test thereafter (as determined by the court) but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.

4) The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).

5) If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq (*formally 42 U.S.C. § 16901, *et seq)*) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.

6) If convicted of a domestic violence crime as defined in 18 U.S.C. §3561(b), the defendant shall participate in an approved program for domestic violence.

7) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

8) The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.

9) The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.

Defendant: Rosezzettea Lee Lopez
Case Number: 2:24-CR-00248 (1)-EG

STANDARD CONDITIONS OF SUPERVISION

1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time-frame.

2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.

3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

4) The defendant shall answer truthfully the questions asked by the probation officer.

5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view.

7) The defendant shall work full-time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant excused from doing so. If the defendant does not have full time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.

9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.

10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

11) The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

12) If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.

13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

14) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.

15) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.

16) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.

17) If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.

Defendant: Rosezzettea Lee Lopez
Case Number: 2:24-CR-00248 (1)-EG

CRIMINAL MONETARY PENALTIES/SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, Attn: Mail Log, 111 E. Broadway Ste. 100, Del Rio, Texas 78840, or online by Debit (credit cards not accepted) or ACH payment (direct from Checking or Savings Account) through pay.gov (link accessible on the landing page of the U.S.District Court's Website). **Your mail-in or online payment must include your case number in the exact format of DTXW224CR000248-001 to ensure proper application to your criminal monetary penalty.**

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	Assessment	Fine	Restitution	AVAA Assessment*	JVTA Assessment**
TOTAL:	$200.00	$1,000.00	$0.00	$0.00	$0.00

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of $200.00. The debt is incurred immediately.

Fine

The defendant shall pay a fine of $1,000.00. The Court finds the defendant has the present and future ability to pay a reduced fine. This is the total of the fines imposed on individual counts, as follows. $500.00 on count 1, $500.00 on count 2.

Schedule of Payments

Payment shall be made at the rate of no less than $40.00 per month, due by the third day of each month beginning no earlier than 60 days after release from imprisonment. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than $2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA Assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
**Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22