

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

FILED
CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: **Oct 01, 2026, 8:26 am**

IN RE:

No: SO-26-04

**PROCEDURE FOR RESTITUTION
ORDERS**

STANDING ORDER

Pursuant to 18 U.S.C. § 3664(a), this standing order governs the manner in which victim information is communicated to the Court in criminal cases to, in turn, enable the Court to enter effective and timely restitution orders.¹

Congress enacted the Mandatory Victims' Restitution Act in 1996 to expand the scope of mandatory restitution in federal criminal cases. *See* 18 U.S.C. § 3663A. The Act mandates restitution for victims of certain enumerated offenses "in which an identifiable victim or victims has suffered a physical or pecuniary loss." 18 U.S.C. § 3663A(c)(1)(B). While the goal of the Act is to ensure certain victims are compensated for their losses, loss and victim information must be specific in content and timely in its communication to the Court. *See* 18 U.S.C. §3663A(a)-(b); 18 U.S.C. § 3664. Ambiguous or untimely restitution orders do not enable victims to obtain redress and do not further the goals of the Act.

To ensure compliance with the Act, this order establishes minimum standards for victim identification, dictates the manner in which victim and loss information is communicated

¹ The requirements of this standing order will not apply if the Court makes a finding that one or more of the exceptions in 18 USC § 3663A(c)(3) applies. Such determination may be made sua sponte, at any time prior to the entry of judgment or final restitution order, or upon a motion of the Government, as set forth in this order.

between agencies and to the Court, and reiterates the timelines established by law for communicating such information.² Accordingly, the Court **ORDERS** as follows:

At the request of the United States Probation Office, within **twenty-one (21) days** after the change of plea hearing or the pronouncement of the guilty verdict, but not later than **sixty (60) days** prior to sentencing, the Government, after consulting, to the extent practicable, with all identified victims, shall provide to the Probation Officer a listing of the identified victims and the amounts subject to restitution, referred to herein as the “Victim List.” The Government shall provide the Victim List to the Probation Officer in Microsoft Excel format, in a template provided by the Clerk of Court. The Victim List shall include the following information:

- The name, address, and telephone number for each individual restitution victim;
- The entity name, address, telephone number, and contact person for each entity victim;
- The amount of each victim’s loss that is subject to restitution, the date of loss, and a brief description of the nature of the loss including the applicable account or claim number;
- The statutory priority of the debt—specifically, whether the victim is a federal agency or a provider of compensation; and
- The identity of any individual or entity with whom defendant is jointly and severally liable and the case number, if the judgment was entered in a separate case.

To the extent any of the above information is also contained in the Government’s Victim Notification System, that information shall be consistent with the Victim List. If the Government cannot submit the Victim List to the Probation Officer by the deadline set forth above, it shall file a notice with the Court explaining the reason(s) for the delay not later than **sixty (60) days** prior to sentencing. Any motion seeking a determination that one or more exceptions under 18 U.S.C. § 3663A(c)(3) apply must also be filed not later than **sixty (60) days**

² This order supplants any memoranda of understanding between agencies and the Court only to the extent that it conflicts with such memoranda.

prior to sentencing. Prior to submitting the presentence report, the Probation Officer shall comply with the requirements of 18 U.S.C. § 3664(d)(2) by to the extent practicable, providing notice to all identified victims of—

- The offense or offenses for which the defendant was convicted;
- The amounts subject to restitution submitted to the Probation Officer;
- The opportunity of the victim to submit information to the Probation Officer concerning the amount of the victim's losses;
- The scheduled date, time, and place of the sentencing hearing;
- The availability of a lien in favor of the victim pursuant to 18 U.S.C. § 3664(m)(1)(B); and
- The opportunity of the victim to file with the Probation Officer a separate affidavit relating to the amount of the victim's losses subject to restitution. The Probation Officer shall also provide the victims with an affidavit form.

After complying with these notice requirements, and pursuant to Fed. R. Crim. P. 32(e)(2), at least **thirty-five (35) days** prior to sentencing, the Probation Officer shall file under seal the presentence report. The Probation Officer shall include within the presentence report an abridged list of victims entitled to restitution containing only the name or other identifier of each victim and the corresponding amount of each loss. Contemporaneously with the filing of the presentence report, the Probation Officer shall (1) file as a separate event in CM/ECF a PDF copy of the Victim List received from the Government which will only be accessible by the Court and the Probation Officer, and (2) email the same Victim List in Microsoft Excel format to the presiding judge's courtroom deputy. If the number or identity of victims cannot be reasonably ascertained or other circumstances exist that make the filing of the Victim List and the accounting of the victims' losses in the presentence report clearly impracticable, the

Probation Officer shall so notify the Court by filing a notice in CM/ECF prior to the deadline for filing the presentence report and the Victim List.

The Court strongly encourages the Government to comply with the statute and deliver the Victim List to the Probation Officer within **twenty-one (21) days** after the change of plea hearing or the pronouncement of the guilty verdict, but not later than **sixty (60) days** prior to sentencing. However, in the event that the Government and Probation Officer cannot ascertain the victims' losses, the Government shall file a notice in CM/ECF at least **ten (10) days** prior to sentencing. The notice shall include the steps taken to ascertain the victims' losses and a brief description of the issues that make compliance with this order or the statute impracticable. At the sentencing hearing, the Court shall set a final determination hearing, not to exceed **ninety (90) days** after sentencing. Unless the Court defers the final determination of restitution under 18 U.S.C. § 3664, the Court will not use placeholders such as "unnamed victims" or "amounts to be determined" in any restitution order or judgment.

Any victim who subsequently discovers further losses shall petition the Court to amend the judgment or restitution order within **sixty (60) days** after discovering the losses. The Court may amend the judgment or restitution order upon a showing of good cause for failing to include such losses in the initial restitution determination. Any victims not listed in the judgment or subsequent restitution order shall not be entitled to restitution, and any restitution amounts not listed in the judgment or subsequent restitution order shall not be awarded.

SO ORDERED.



TRAVIS R. MCDONOUGH
CHIEF UNITED STATES DISTRICT JUDGE