

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 07-10234-JTM

STEPHEN J. SCHNEIDER, *and*
LINDA K. SCHNEIDER, *also known as*
LINDA K. ATTERBURY,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on defendant Stephen Schneider's Motion to Produce Accounting of Assets Seized (Dkt. 842). Noting the dismissal of the previously mandated restitution in the September 28, 2015 resentencing (Dkt. 803, 805), Schneider has asked for an accounting of all assets seized or taken from any account. To facilitate the resolution of the defendant's motion, the court directed the United States to file a response to the motion by May 29, 2020.

The government has filed its Response (Dkt. 844), which the court has carefully reviewed. Rather than opposing the motion, the government has given the requested accounting, with a detailed listing of all of the properties taken in connection with the case. Further, since some of the property taken was jointly owned with co-defendant Linda Schneider, the accounting addresses the property of both defendants. Some properties were separately forfeited to the government in a separate civil action, Case

No. 10-1348. Some property was seized but returned to the Schneiders, some was not forfeited to the government but not returned, with third parties having superior interests in those assets. These civil forfeitures were not contingent upon or used to pay the restitution in this criminal case.

The defendant's motion is accordingly moot. The only substantial issue remaining, although not directly presented by defendant's motion, is the special assessment as to defendant Linda Schneider. That obligation has now expired, but the government informs the court that the Bureau of Prisons (BOP) has continued to send deductions from Linda Schneider's prison account – even as the Clerk of the Court has requested that the BOP stop such payments. The government suggests that the court direct the BOP to halt the withholding from defendant's inmate account.

IT IS ACCORDINGLY ORDERED, this day of June, 2020, that the defendant's Motion for Accounting (Dkt. 842) is denied as moot. Further, the court hereby directs and orders the BOP to cease deductions from Linda Schneider's inmate account for purposes of satisfying her special assessment.

s/ J. Thomas Marten
J. Thomas Marten, Judge