

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IN RE SUSAN J. BARBER,

No. 20-71276

SUSAN J. BARBER,

D.C. No.
3:12-cr-00678-
MMC-1

Petitioner,

v.

OPINION

USDC, SAN FRANCISCO,

Respondent,

JAMES B. CATLEDGE; UNITED
STATES OF AMERICA; DEREK F.C.
ELLIOTT,

Real Parties in Interest.

Petition for Writ of Mandamus
to the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted May 11, 2020*
San Francisco, California

* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Filed May 12, 2020

Before: Barry G. Silverman, Jacqueline H. Nguyen,
and Daniel Paul Collins, Circuit Judges.

Per Curiam Opinion

SUMMARY**

Criminal Law / Mandamus

Denying a petition for a writ of mandamus filed pursuant to the Crime Victims' Rights Act, the panel held that the district court did not abuse its discretion in determining the amount of restitution to which the petitioner is entitled.

COUNSEL

Susan J. Barber, Coppel, Texas, pro se Petitioner.

David Z. Chesnoff, Richard A. Schonfeld, and Robert Z. DeMarco, Chesnoff & Schonfeld, Las Vegas, Nevada, for Real Party in Interest James B. Catledge.

David L. Anderson, United States Attorney; William Frentzen, Chief, Corporate Fraud Strike Force Section; Robert David Rees, Assistant United States Attorney;

** This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

United States Attorney's Office, San Francisco, California;
for Real Party in Interest United States of America.

No appearance by Real Party in Interest Derek F.C. Elliott.

OPINION

PER CURIAM:

This is a petition for a writ of mandamus filed pursuant to the Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771.

We have carefully reviewed the district court record and the arguments of the parties, and hold that the district court did not abuse its discretion in determining the amount of restitution to which Barber is entitled. The district court's finding that the prior civil settlement reduced the amount of Barber's loss was supported by the evidence and was neither an abuse of discretion nor legally erroneous. *See Kenna v. U.S. Dist. Court*, 435 F.3d 1011, 1017 (9th Cir. 2006).

The petition for a writ of mandamus is denied.

DENIED.