

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TED BRENT ALEXANDER,

Defendant.

CAUSE NO. 3:23-CR-37-CWR-LGI

ORDER

For the last two months, the United States has attempted to collect restitution in this criminal matter from defendant Ted Brent Alexander. *See* Docket Nos. 20-43. The endeavor has had some successes and some difficulties. If future circumstances render a full recitation necessary, the Court will do so at that time. *See United States v. Payan*, 992 F.2d 1387, 1398 (5th Cir. 1993).

We are here today, though, because the parties are engaging in an extended email back-and-forth about the propriety of a proposed Order that would seize some of Mr. Alexander's assets. The Court issues this Order to bring that to an end and resolve the dispute.

The relevant Applications, Writs, Notices, and Answers were issued and filed in December 2023 and January 2024. They are important but need not be summarized here, as they are on the publicly-accessible docket sheet.

The emails started on Valentine's Day, when the United States Attorney's Office submitted a proposed Order garnishing approximately \$350,000 in Mr. Alexander's Fidelity

accounts. Counsel for Mr. Alexander quickly asked for a delay “to ensure that the amount still owing is correct.” Counsel followed-up the next Tuesday seeking clarification on whether restitution “is owed to the Alexander-Seawright victims or to all victims of Madison Timber.”

The United States promptly responded with a longer email. It argued that there was no “offset for money received by Alexander-Seawright victims from the Receivership outside of the money that has been paid towards restitution in his case or Mr. Seawright’s.” The United States provided supporting citations and urged entry of the proposed Order.

Now counsel for Mr. Alexander has responded to that. His email is longer yet again. It contends that “confusion” exists as to the proper victims in this case. It then provides Mr. Alexander’s supporting citations and legal arguments claiming that there will be a “double recovery” if this garnishment is permitted to go forward.

The Court has reviewed the proposed Order submitted by the United States. The proposal cites federal statutes that provide persons in Mr. Alexander’s situation 20 days to “move to quash” these kinds of seizures. 28 U.S.C. § 3202(d); *see also* 28 U.S.C. § 3205(c)(5) (“Within 20 days after receipt of the answer, the judgment debtor or the United States may file a written objection to the answer and request a hearing. The party objecting shall state the grounds for the objection and bear the burden of proving such grounds.”). The proposed Order also recites the timeline of our case, including the date Mr. Alexander was notified of the garnishment and Fidelity’s answer. Considering that timeline against those statutes, the proposed Order concludes that Mr. Alexander missed his deadline to try and halt this garnishment.

The proposed Order is correct on the facts and the law. Mr. Alexander's time to challenge the Fidelity garnishment came and went without a motion to quash or written objection. As such, the Court will sign and enter the United States' proposed Order this day.

SO ORDERED, this the 21st day of February, 2024.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE