IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

In Re Creighton Bloyd	)	
	)	No.
Petitioner	)	
	)	
	)	
	)	

PETITION FOR WRIT OF MANDAMUS PURSUANT TO
18 U.S.C. § 3771(d)(3), CRIME VICTIMS' RIGHTS ACT

Pursuant to the Crime Victims Rights Act (CVRA), 18 U.S.C. § 3771, Creighton Bloyd ("Bloyd") respectfully petitions this Court to issue a writ of mandamus requiring the United States District Court for the District of New Jersey (the "District Court" to award restitution as required by the CVRA and the Mandatory Victims Restitution Act (MVRA), 18 U.S.C. § 3663A, in that case styled *United States of America v. Purdue Pharma, LLP*, Crim. No. 20-1098 (MCA), and to require such other relief as this Court deems equitable and necessary under the circumstances. In particular, and without limitation of the foregoing, Bloyd respectfully requests this Court to issue a writ of mandamus requiring the District Court to award that restitution mandated by 18 U.S.C. § 3663A(b)(2)(A), which requires a defendant to pay an amount equal to the cost of a crime victim's necessary medical care, if the crime victim has suffered bodily injury. In support of this petition, Bloyd further states:

ISSUE PRESENTED

Whether the District Court abused its discretion or committed a mistake of law by failing to require restitution mandated by 18 U.S.C. § 3663A(b)(2)(A).

BACKGROUND

When Bloyd was a college student, he purchased OxyContin from drug dealers in East Tennessee. *See Bloyd's Victim Impact Statement attached as an exhibit to his Motion to Require Conference Under the Crime Victim's Rights Act attached hereto as Exhibit A*. OxyContin is a synthetic opioid manufactured by Purdue Pharma, LLP ("Purdue"). *See Plea Agreement attached hereto as Exhibit B, at p. 15*. The drug dealer who sold OxyContin to Bloyd in East Tennessee obtained his product from co-conspirators in Florida. *See Exhibit A*. This scheme to sell drugs was reported in a feature length article based on confessions made by the conspirators (then imprisoned) and titled "The Dukes of Oxy." The article was published in Rolling Stone Magazine in 2015. *See id*. As reported in the article, young men conspiring with the drug dealer in Tennessee would persuade confederates to obtain OxyContin with the help of physicians and clinics in Florida who were known to write prescriptions without regard to medical necessity. After the prescriptions were filled by the confederates and provided to the co-conspirators, the co-conspirators would ship the drugs to the dealer who sold drugs to Bloyd in East Tennessee and to other parts of the country. *See id*.

In the District Court, the United States charged Purdue Pharma with federal crimes in 2020. *See Exhibit B*. These crimes included defrauding the federal government by assuring the government that Purdue had an appropriate program to identify healthcare providers whose behavior indicated that the providers were providing Purdue's products without regard to medical necessity. In other words, the Government charged Purdue with lying about whether the company had a program designed to detect pill mills. *See Exhibit B, p. 16* (describing the crimes charged). The allegations emphasized that Purdue's failure was particularly problematic in Florida. *See id. at 180*.

Purdue agreed to plead guilty to these and other charges. *See id. at 45*. Under the plea agreement, Purdue would pay $2 billion in forfeiture, but the amount would be offset by other payments to persons other than crime victims such as Bloyd. *See id. at 9*. By the time Purdue and the Government entered the plea agreement, Purdue had petitioned for relief in the United States Bankruptcy Court for the Southern District of New York. *See id. at 9-10*. Under the plea agreement, the Government agreed to give Purdue dollar for dollar credit, up to $1.75 billion, for amounts "distributed or otherwise conferred in settlement of claims asserted by state, tribal, or local government entities under the Plan of Reorganization (the Forfeiture Judgment Credit)." *Ibid*. The United States Treasury would get the remaining $225 million.

In other words, Purdue agreed to pay $2 billion, but the United States agreed to give Purdue credit against that obligation, up to $1.75 billion, for amounts that Purdue paid to settle claims made by governmental entities in the bankruptcy. That arrangement is equivalent to saying that Purdue would get credit for up to $1.75 billion on its $2 billion obligation, but only if Purdue paid the money to entities who were not entitled to receive restitution under 18 U.S.C. § 3663A(b)(2)(A), because state, local, and tribal governments are not persons who suffer personal injuries. None of the remaining money would go towards the restitution mandated under 18 U.S.C. § 3663A(b)(2)(A), because the remainder would be payable to the U.S. Treasury, which is also not a person who might suffer personal injuries and require medical treatment.

Thus, the Plea Agreement completely disregarded the MVRA, not to mention the CVRA. In explaining this feature of the Agreement, the Government stated that restitution would be infeasible:

> No restitution shall be entered because restitution to other persons is not administratively feasible in this case, and attempting to fashion an order to provide restitution to any such possible persons would result in complication and prolongation of the sentencing process that would outweigh the need to provide restitution to any such possible persons under 18 U.S.C. § 3663(a)(1)(B)(ii).

See Exhibit B at p. 4. Neither the Government nor Purdue explained why or how restitution was not administratively feasible.

In fact, Purdue had taken the position in its bankruptcy that administering personal injury claims in general was eminently feasible. In his modified order confirming the first plan of reorganization, Bankruptcy Judge Robert Drain wrote:

> The uncontroverted trial declaration of Deborah E. Granspan details the procedures under the personal injury trust for efficiently -- though consistently with the burden to prove one's claim -- establishing the amount of one's personal injury claim and obtaining a distribution. Her declaration was uncontroverted in describing a trust procedures mechanism that minimizes the difficulty and cost of presenting a claim for personal injury while maintaining a sufficient degree of rigor over the burden of proof to ensure that as much of the money allocated to personal injury claimants can go promptly and directly to them instead of to lawyers.

In re Purdue Pharma L.P., 633 B.R. 53, 79 (S.D.N.Y. 2021).

Judge Drain called the process of administering claims “relatively easy.” *Id.* He also stated that anyone who thought the bankruptcy plan could release criminal conduct had been “misled.” *Id.* Judge Drain stated, “. . . one cannot put a price on a human life or an injury such as opioid addiction, and yet that's what courts do with respect to personal injuries.” *Id.* at 78. While the order confirming the first confirmed plan of reorganization was vacated, the order confirming the second plan shows that administering claims is still feasible. *See In re Purdue Pharma L.P.*, 675 B.R. 632, 653-654 (S.D.N.Y. 2025).

If administering personal injury claims for amounts difficult or even impossible to discern is feasible, then administering the restitution required under the MVRA is doubly so. The Government itself recognizes that the medications used to treat opioid use disorder are buprenorphine, methadone, naltrexone, and, for withdrawal, lofexidine.[1] If a person has had a prescription for one or more of those medications, he has suffered from opioid use disorder. Bloyd seeks restitution for the costs of prescription medication (sublingual buprenorphine), as well as the doctor's visits and therapy associated with that medication, not the infinitely more difficult calculation valuing the ". . . price on a human life or an injury such as opioid addiction." He merely wants what Congress said he should have, but which the United States decided to forego seeking, notwithstanding its obligations under the CVRA to vindicate the rights of crime victims to have restitution.

In April 2025, Bloyd had his counsel request in writing a conference under the MVRA with Alina Habba, then acting United States Attorney for New Jersey. Doc. 36, p. 19. Ms. Habba did not respond. *See Exhibit A*. After the District Court scheduled a sentencing hearing, Bloyd timely submitted a victim impact statement in which he asserted his right to restitution. *See Exhibit A*. Bloyd moved the District Court to require counsel for the Government to confer with him. *Id*.. In his motion, Bloyd not only requested a conference, but also pointed out that the District Court had entered an order granting the Government's motion to allow the Government to notify victims by means of a web page, but that the link set forth in the Government's

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[1] https://nida.nih.gov/research-topics/medications-opioid-use-disorder#where-buprenorphine

motion and in the Court's order granting the motion was broken, such that clicking on the link would not take a browser to web page with information about the sentencing hearing (the web page was discoverable through the use of artificial intelligence). Bloyd also pointed out that many victims were incarcerated, such that their access to the internet was presumably limited. *See id*.

The District Court postponed the sentencing hearing on the day that Bloyd moved the District Court for an order requiring counsel for the Government to confer. Counsel for the Government contacted Bloyd's counsel to arrange a conference. Bloyd, his counsel, and counsel for the Government conferred the day before the rescheduled hearing. Bloyd withdrew his motion to require a conference. *See Notice of Withdrawal of Motion attached hereto as Exhibit C*. In his notice, he persisted in noting his demand for restitution as required under the MVRA.

The sentencing hearing itself lasted all day on April 28, 2026. Bloyd gave a statement at the sentencing hearing and again asserted his right to restitution, but a transcription of that statement does not yet appear on the docket. The District Court pronounced sentence that day and entered a judgment on April 29, 2026. *See Exhibit D attached hereto*. The District Court did not order the restitution that Bloyd requested.

As noted in his victim impact statement, his motion to require the Government to confer with him, and in his statement offered at the sentencing hearing itself, Bloyd uses medicine assisted therapy (MAT) to sustain his recovery from the opioid use disorder developed from consuming the OxyContin made available in his college years by means of the crimes charged in 2020. While he has insurance to cover his MAT, he still has co-payments that he must make to cover doctor's visits, counseling, and the cost of his medication. These are not only expenses incurred in the past, but ongoing expenses necessary for his future.

In his assertions of his rights under the MVRA, Bloyd emphasized that he is not seeking general damages in the form of cash money that he can spend as he wishes. To the contrary, he only wants the restitution that the MVRA guarantees him. To extent the Government insists that the payment for future expenses must be made by means that would not allow the payments to be diverted to other purposes, Bloyd has emphasized that technologies used every day in the payments industry are such that the risk of diversion could be minimized, if not eliminated outright.

REASONS WHY THE WRIT SHOULD ISSUE

The CVRA authorizes a crime victim to petition for writ of mandamus to require restitution, if the crime victim has "asserted" his rights in the district court. In the District Court, Bloyd asserted his rights in his victim impact statement, in his motion to require counsel for the Government to confer with him, and in his oral statement given at the sentencing hearing conducted on April 28, 2029. In addition, Bloyd asserted his rights in written communications transmitted by his counsel to

Alina Habba, the former acting United States Attorney for the District of New Jersey, and in his oral communications with counsel for the Government after he moved the district court to order a conference with him.

Under the plain language of the CVRA, the writ should issue if the district court has committed an abuse of discretion by failing to award restitution. Here, the District Court abused its discretion in three distinct ways.

First, the District Court may have believed that the process for paying personal injury claims in Purdue's bankruptcy is an adequate substitute for restitution under the MVRA. However, the bankruptcy court did not view restitution under the MVRA as a matter for the bankruptcy court, but for the District Court that presided over the criminal charges. Moreover, Purdue's bankruptcy plan of reorganization provides for the disposition of civil claims in the bankruptcy. As the U.S. Supreme Court has recently held, restitution under the MVRA is a criminal matter. *Ellingburg v. United States*, _____ U.S._____, 223 L. Ed. 2d 446 (Jan. 20, 2026). If the District Court denied restitution under the MVRA because the District Court believed that a bankruptcy claim adjudicated by the debtor or its successors adequately substituted for criminal restitution, the District Court abused its discretion.

Second, on a more practical level, the statements given by victims at the sentencing hearing demonstrates what any review of the bankruptcy proceedings would reveal: personal injury claimants in the bankruptcy process get money if they can prove that they had a valid prescription to the debtor's opioid products. The victims of the crimes charged in the District Court are, by definition, persons who did not have prescriptions for Purdue's products, but who obtained the product by reason of the fraud that Purdue perpetrated against the United States. Purdue lied to the United States by assuring the United States that it had an adequate program to detect pill mills, particularly in Florida. In fact, Purdue had a program to reward enterprises that would otherwise have been identified as pill mills. As a result, Purdue was able to flood Florida with OxyContin that was shipped around the country, but particularly to East Tennessee, where Bloyd was a young student. The victims of Purdue's crimes are not the claimants in the bankruptcy. If the District Court denied restitution because it believed that the bankruptcy claims process adequately substituted for the restitution required under the MVRA, the District Court abused its discretion. All the evidence before the district court at the sentencing hearing demonstrated that the bankruptcy claims process is not an adequate substitute for restitution.

If the bankruptcy claims process is "feasible," then providing restitution is doubly so. The process for administering the bankruptcy claims process is inherently subjective: as indicated by the statements given at the sentencing hearing, many of the bankruptcy claims involve payments reimbursing survivors for the losses they suffered when their family members died from overdoses. Those claims, meritorious though they are, are inherently subjective and difficult to quantify. In contrast, consuming opioids leads to opioid use disorder, the medicine assisted therapy for which involves prescriptions for sublingual or injectable buprenorphine, methadone, or naltrexone, together with doctor's visits and counseling. If crime victim takes those medications, that crime victim will have current prescription information and will likely have expense records for the medicines, as well as for the doctor's visits and counseling typically required in connection with MAT. Those items are not open ended, but are subject to ready quantification. If administering claims for subjective injuries is feasible in the bankruptcy claims process, then administering restitution of the more certain, readily determinable amounts covered by the MVRA is even more so. To the extent the District Court determined to the contrary, the District Court abused its discretion.

Purdue and the Government may insist that it is too difficult to discern who consumed OxyContin, as opposed to generic oxycodone. In the original plan of reorganization confirmed by the bankruptcy court, claimants could prove that they had prescriptions for Purdue's products by submitting affidavits to that effect. If that approach was sufficiently workable under the original plan, it should be workable now. In any event, there is no evidence to the contrary.

Purdue and the Government may also argue that it is inequitable or inappropriate to provide restitution to Purdue's crimes, because Purdue's crime victims were not consuming medicine that they lawfully received. In this regard, it is worth noting that Bloyd has suggested restitution be made available on payment devices whose uses are restricted to purchasing therapeutic necessities, so that crime victims would have less temptation to lie than they would have were they to receive unrestricted cash. More importantly, the MVRA does not restrict restitution to the deserving poor. Bloyd made a terrible mistake when he was very young: nothing in the MVRA suggests that he should lose the restitution that the MVRA requires, especially given that the restitution would be devoted to his medical recovery.

The Supreme Court has written:

> Restitution orders should represent "an application of law," not "a decisionmaker's caprice," *Philip Morris USA v. Williams*, 549 U. S. 346, 352, (2007) (internal quotation marks omitted), and the approach articulated above involves discretion and estimation. But courts can only do their best to apply the statute as written in a workable manner, faithful to the competing principles at stake: that victims should be compensated and that defendants should be held to account for the impact of their conduct on those victims, but also that defendants should be made liable for the consequences and gravity of their own conduct, not the conduct of others.

Paroline v. United States, 572 U.S. 434, 462 (2014). Here, Bloyd has not requested restitution for each and every injury that he has suffered by reason of Purdue's crimes, much less an amount to recompense him for the "years the locust has eaten." Instead, he seeks reimbursement for the amounts directly resulting from the Purdue's crimes. By refusing that restitution, the District Court abandoned an "application of law" and yielded to the caprice of the Government. In doing so, the District Court abused its discretion, such that the writ requested herein should issue.

In *United States v. Cammarata*, 145 F.4th 345, 376-377 (3rd Cir. 2025), this Court wrote:

> Here, the District Court invoked § 3663A(c)(3) and properly explained that under that provision, it must "weigh . . . the burden [of] awarding restitution" against the victims' "interest in receiving restitution." The Court acknowledged potential difficulties in distributing restitution, but as to the $31,275,832.92 in restitution it ultimately ordered, the Court reasoned that such difficulties did not render distribution in that amount infeasible or unduly burdensome. And as just explained, the District Court did not err in relying on claims administrators to distribute that restitution. Moreover, the record shows that the Court regarded restitution as an essential component of Cammarata's sentence. Because this determination "requires a detailed understanding of and sensitivity to the facts of each case[,]" we defer to the Court's analysis and conclude that it did not abuse its discretion by not foregoing restitution under § 3663A(c)(3), cf. *United States v. Malone*, 747 F.3d 481, 487 (7th Cir. 2014) (perceiving no abuse of discretion where "although [the district court] did not expressly explain [its] balancing of the relevant complexity exception factors, [it] clearly considered those factors and exercised [its] discretion not to apply the exception in this case").

United States v. Cammarata, 145 F.4th 345, 376-377 (3rd Cir. 2025) (some internal citations omitted).

Here, there was no similar balancing of the interests at stake: if there were, there could be no doubt that the equities weigh in Bloyd's favor. Bloyd needs MAT to sustain his recovery. The defendant is already paying $225 million to the United States, a relatively modest fraction of which would at least partially underwrite MAT for Bloyd and others like him for years to come.

CONCLUSION

This Court should grant the petition and direct that the District Court order restitution pursuant to the CVRA.

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By: *s/ Douglas J. McGill*
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May 12, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2026, I served the foregoing Petition, with exhibits, on the following *via electronic mail*:

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In re: CREIGHTON BLOYD,

Petitioner

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May 14, 2026

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RE: In re: Creighton Bloyd
Case Number: 26-2159
District Court Case Number: 2:20-cr-01028-001

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To All Parties:

Enclosed is the case opening information regarding the above-captioned petition filed by **Creighton Bloyd**, docketed at **No. 26-2159**. Any inquiries should be directed to your Case Manager in writing or by calling the Clerk's Office at 215-597-2995. This Court's rules, forms and case information are available on our website at http://www.ca3.uscourts.gov.

The docketing fee was received on **May 14, 2026**. Payment made through pay.gov.
A03-68907-299

The petition will be forwarded to the Court for disposition. The parties will be advised when an order is entered by the Court either denying the petition or directing that a response be filed.

Counsel for Petitioner must file:
1. Application for Admission (if applicable);
2. Appearance Form
3. Disclosure Statement (except governmental entities)
These forms must be filed **within fourteen (14) days of the date of this letter**.

Counsel for Respondent(s) must file:
1. Application for Admission (if applicable);
2. Appearance Form
3. Disclosure Statement (except governmental entities)
These forms must be filed **within fourteen (14) days of the date of this letter**.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Ginelle
Case Manager
267-299-4931

cc: Honorable Madeline C. Arleo
Jeffrey S. Bucholtz
Eugenia A.P. Cowles
Stephen Ferketic
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