

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 26-2159

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IN RE: CREIGHTON BLOYD,  
Petitioner

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On a Petition for Writ of Mandamus to the  
United States District Court for the District of New Jersey  
(Related to No. 2:20-cr-01028-001)

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Submitted Pursuant to Rule 21, Fed. R. App. P.

Before: PORTER, FREEMAN, and AMBRO, *Circuit Judges*

(Opinion filed October 26, 2026)

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OPINION\*

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PER CURIAM

Creighton Bloyd petitions this Court for a writ of mandamus pursuant to the Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771(d)(3). After reviewing the record and the submissions of the parties, we deny the petition.

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

## **BACKGROUND**

For over a decade, Purdue Pharma L.P. (“Purdue”), a leading manufacturer and marketer of opioid medications, including OxyContin, conspired to defraud the United States Drug Enforcement Administration (“DEA”) by evading and undermining federal regulations designed to prevent the misuse and illegal distribution of opioid products. Although Purdue claimed to have effective safeguards against misuse, it continued marketing and selling opioids to healthcare providers it knew or had reason to believe were issuing unlawful prescriptions of its medications. Purdue also submitted misleading sales data to the DEA, interfering with the agency’s ability to set accurate opioid quotas. Additionally, Purdue paid illegal kickbacks to medical providers to induce opioid prescriptions, which were then billed to Medicare and other federal healthcare programs for reimbursement.

For its central role in the opioid epidemic, Purdue was charged with: (1) conspiring to defraud the United States and to violate the Food, Drug, and Cosmetic Act, all in violation of 18 U.S.C. § 371 (Count One); (2) conspiring to violate the Federal Anti-Kickback Statute related to Purdue’s payments to health care providers, in violation of 18 U.S.C. § 371 (Count Two); and (3) conspiring to violate the Federal Anti-Kickback Statute related to Purdue’s payments to a cloud-based electronic health records vendor, in violation of 18 U.S.C. § 371 (Count Three). Purdue agreed to plead guilty to all counts pursuant to an extensively negotiated plea agreement, which took into consideration

Purdue's ongoing bankruptcy proceedings and its separate \$2.8 billion civil settlement with the Government.

Because the plea agreement was entered into pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), Purdue and the Government agreed to a stipulated sentence which included a \$3.544 billion criminal fine and an additional \$2 billion forfeiture judgment.<sup>1</sup> The agreement provided that no restitution would be ordered as it was “not administratively feasible in this case” and any attempt to provide restitution “would result in complication and prolongation of the sentencing process that would outweigh the need to provide restitution.” D.C. Dkt. #6 at 4 (citing 18 U.S.C. § 3663(a)(1)(B)(ii)).

The district court accepted the guilty plea, but deferred acceptance of the plea agreement until sentencing. Through a website established by the Government, over 200 individuals submitted victim impact statements to the district court. Among them was Creighton Bloyd, an individual claiming to be harmed by Purdue's criminal conduct. Bloyd also filed a motion with the district court to require the Government to meet and confer with him regarding his claim for restitution under the Mandatory Victims Restitution Act (“MVRA”) and CVRA. In both his impact statement and motion, Bloyd explained that he receives medicine-assisted therapy as part of his ongoing treatment for opioid-use disorder and requested that Purdue be required to pay restitution in the form of

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<sup>1</sup> Purdue agreed to pay \$225 million of the forfeiture judgment to the Government, and the Government in turn agreed to credit the remainder of the forfeiture judgment to settle claims asserted by state, tribal, or local government entities in the bankruptcy case.

subsidized medical treatment to its victims, most of whom require similar medicine-assisted therapy.<sup>2</sup>

The day before the sentencing hearing, counsel for the Government held a virtual conference with Bloyd and his attorney. Following the sentencing hearing and entry of judgment, Bloyd filed a notice to withdraw his motion to require a conference with the Government.

At the sentencing hearing, the Government summarized the details of the plea agreement and explained that the agreement was influenced by several factors including Purdue's bankruptcy proceedings, Purdue's agreement to pay a \$2.8 billion civil claim settlement, and the emergence of a public-benefit company in place of Purdue following the bankruptcy. The Government explained that the parties agreed to forgo restitution because it was "not administratively feasible" and any attempt to provide restitution "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)." D.C. Dkt. #46 at 9. The district court also heard from Purdue's bankruptcy counsel who outlined Purdue's complex reorganization plan, providing details of the plan's remedial measures to compensate thousands of personal injury claimants and fund opioid crisis abatement initiatives across the country. Counsel explained that the number of claimants and complexity of the issues involved made

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<sup>2</sup> Bloyd suggested that the subsidized medical treatments be paid from the \$225 million that Purdue agreed to pay to the Government.

negotiation of the reorganization plan difficult, and that “if the federal [G]overnment were to seek a higher payment from Purdue,” victim recoveries would “be materially delayed and likely substantially reduced.” D.C. Dkt. #46 at 14, 22. Finally, the district court heard statements from thirty-six individuals affected by Purdue’s criminal conduct, many of whom—including Bloyd—urged the court to reject the plea agreement.

After recounting Purdue’s “deliberate, sustained, and profit-driven campaign to deceive physicians, patients, regulators, and the public about the addictive properties of OxyContin” and acknowledging the profound suffering Purdue’s conduct caused to countless individuals throughout the country, the district court concluded that accepting the plea agreement was “the best choice at this juncture.” D.C. Dkt. #46 at 214–15; 219. Noting the “substantial” fines imposed by the plea agreement and that Purdue would be restructured into a nonprofit company “that will fund, among other things, opioid treatment research and monitoring programs,” the district court accepted the agreement as “fair and reasonable.” D.C. Dkt. #46 at 218; 220. The district court imposed the agreed-upon sentence and did not order restitution.

Following the district court’s entry of judgment, Bloyd filed a petition for a writ of mandamus under the CVRA in this Court. Bloyd, the Government, and Purdue jointly stipulated to waive the 72-hour statutory deadline for deciding the mandamus petition, and the Court approved the request. *See* 18 U.S.C. § 3771(d)(3); *In re Doe*, 50 F.4th 1247, 1251–53 (9th Cir. 2022) (explaining that courts of appeals can approve stipulated extensions as long as district-court proceedings are not delayed more than five days).

In his petition, Bloyd seeks an order directing the district court to award restitution as part of the judgment against Purdue. Bloyd argues that the district court should have awarded restitution under the MVRA, 18 U.S.C. § 3663A(b)(2)(A), which requires certain criminal defendants to pay the cost of necessary medical care where a crime victim has suffered bodily injury.

### **STANDARD OF REVIEW**

The CVRA directs us to “apply ordinary standards of appellate review” in deciding a petition. 18 U.S.C. § 3771(d)(3); *see In re Ryan*, 88 F.4th 614, 621 (5th Cir. 2023) (citing *In re Doe*, 57 F.4th 667, 672–73 (9th Cir. 2023), and *In re Wild*, 994 F.3d 1244, 1254 n.10 (11th Cir. 2021) (en banc)). We review an order regarding restitution as follows: plenary review as to whether restitution is permitted by law, abuse of discretion as to the appropriateness of the award, and clear error as to factual findings. *See United States v. Fallon*, 61 F.4th 95, 125 (3d Cir. 2023).

### **DISCUSSION**

The CVRA provides “[a] crime victim ... [t]he right to full and timely restitution as provided in law.” 18 U.S.C. § 3771(a)(6). The CVRA does not create an independent basis for restitution; rather restitution must be authorized by statute. *See United States v. Kovall*, 857 F.3d 1060, 1070 (9th Cir. 2017) (“The CVRA does not expand the substantive rights to restitution”). Relevant here, a district court is authorized to order restitution under the MVRA, 18 U.S.C. § 3663A, and the Victim and Witness Protection Act (“VWPA”), 18 U.S.C. § 3663. *See* 18 U.S.C. § 3556.

The MVRA provides for mandatory restitution to the victims of certain enumerated offenses, including “offense[s] against property ..., including any offense committed by fraud or deceit.” 18 U.S.C. § 3663A(c)(1).<sup>3</sup> Bloyd argues that Purdue’s crimes constitute offenses against property because every “offense committed by fraud or deceit is, by definition, an offense against property by reason of the manner in which the offense was committed.” Reply at 5. This reading is inconsistent with the plain meaning of the statutory text, which specifically requires that an offense be *against property* to fall within the scope of the MVRA. See *United States v. Collins*, 854 F.3d 1324, 1333 (11th Cir. 2017) (“The clause ‘including those committed by fraud or deceit’ does not broaden the meaning of ‘offense against property.’ ... So ‘*those* [offenses against property] committed by fraud or deceit’ must still have property as their object to qualify.”); *United States v. Quarrell*, 310 F.3d 664, 678 (10th Cir. 2002) (“Fraud and deceit, like conspiracy, are not always offenses against property.... [T]he MVRA applies to conspiracies when, as with fraud or deceit, their underlying purpose was an offense against property.”).<sup>4</sup>

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<sup>3</sup> The MVRA makes restitution mandatory for several other offenses, none of which are applicable or espoused here. See 18 U.S.C. § 3663A(c)(1).

<sup>4</sup> Bloyd invokes our statement in *United States v. Cammarata* characterizing the MVRA as applicable to “offenses ‘against property’ *and* ‘offenses committed by fraud or deceit.’” 145 F.4th 345, 370–71 (3d Cir. 2025) (emphasis added). But we did not consider the scope of the MVRA in *Cammarata* because the defendant conceded that it applied. See *id.* at 371. Nor did we provide any analysis beyond that singular sentence. Accordingly, that statement is *dictum*. See *Patel v. Sun Co., Inc.*, 141 F.3d 447, 462 (3d Cir. 1998).

While the MVRA does not define the term “offense against property,” courts have generally held that a defendant must in some way interfere with a victim’s property. *See, e.g., Collins*, 854 F.3d at 1330 (observing that our sister circuits have defined “offense against property” differently, ranging from “criminal activity with the objective of knowingly and intentionally damaging property” to “offense[s] result[ing] in physical harm to property” to “the intentional deprivation, or attempted deprivation, of another’s property”); *United States v. Luis*, 765 F.3d 1061, 1065 (9th Cir. 2014) (“[W]e have held that ‘against property’ means infringing on a victim’s property interest.”); *United States v. Turner*, 718 F.3d 226, 235–36 (3d Cir. 2013). To determine whether an offense is one “against property,” we must look to the facts and circumstances of the underlying conviction. *See United States v. Betts*, 99 F.4th 1048, 1058–59 (7th Cir. 2024) (rejecting categorical approach for determining what constitutes an “offense against property”); *United States v. Hagen*, 60 F.4th 932, 953 (5th Cir. 2023); *United States v. Razzouk*, 984 F.3d 181, 187–89 (2d Cir. 2020); *United States v. Ritchie*, 858 F.3d 201, 208–10 (4th Cir. 2017); *Collins*, 854 F.3d at 1334–35; *United States v. Sawyer*, 825 F.3d 287, 292–93 (6th Cir. 2016).

After considering Purdue’s conduct underlying its conviction, we are not persuaded that the MVRA is applicable to this case. In Count One, Purdue pleaded guilty to conspiring to defraud the United States by obstructing the DEA’s ability to oversee and regulate the distribution of opioid products. Purdue also pleaded guilty to conspiring to violate the Food, Drug, and Cosmetic Act by misbranding its opioid products. Purdue’s

conduct included misrepresenting to the DEA that it had controls in place to prevent abuse of its opioid products, failing to provide the DEA with accurate sales figures and prescription trends, and permitting prescribers to dispense its opioid products without valid prescriptions.

While Purdue’s conduct obstructed the DEA’s regulatory oversight of the distribution of opioid products, it did not deprive any individual or entity of a property interest. *See Kousisis v. United States*, 605 U.S. 114, 133 (2025) (“[T]he statutes that prohibit conspiracies to defraud the United States, *see* 18 U.S.C. § 371, ... are not limited to schemes to obtain money or property[.]” (internal quotation marks omitted)). The Government does not allege that Purdue defrauded the DEA of any money or other property to which it was entitled by law. Instead, the DEA’s interest in preventing against diversion of controlled substances is purely regulatory. *Compare Cleveland v. United States*, 531 U.S. 12, 20–21 (2000) (drawing distinction between state’s regulatory and property interests and concluding that scheme to fraudulently obtain video poker license did not deprive state of property), *with United States v. Bengis*, 631 F.3d 33, 39–40 (2d Cir. 2011) (finding scheme which deprived government of “proceeds from the sale of illegally harvested lobsters, i.e., ‘money to which it was entitled by law’” to go “beyond a mere regulatory interest in administering the fishing activities”). Because Purdue’s conviction on Count One was not an “offense against property,” by any definition, the MVRA does not apply.<sup>5</sup>

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<sup>5</sup> We need not determine whether Counts Two and Three, which charged Purdue with

Where, as here, an offense does not fall under the MVRA, the district court may order restitution for victims under the VWPA. *See Singh v. Att’y Gen.*, 677 F.3d 503, 512 n.10 (3d Cir. 2012).<sup>6</sup> Under this statute, “restitution is discretionary and may take account of the amount of the loss sustained by each victim and the financial resources of the defendant.” *United States v. Abrams*, 165 F.4th 784, 812 (3d Cir. 2026) (internal quotation marks omitted). The district court “may decline” to order restitution if it finds “that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution ... outweighs the need to provide restitution to any victims.” 18 U.S.C. § 3663(a)(1)(B)(ii).

Bloyd has forfeited any argument under the VWPA by failing to raise it in the first instance. *See United States v. Guyton*, 144 F.4th 449, 465 n.9 (3d Cir. 2025). Nonetheless, we note that the record provides ample support for the district court’s decision to accept the plea agreement and decline to award restitution under the VWPA.

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conspiring to violate the Anti-Kickback Statute, qualify as “offense[s] against property” under the MVRA as the statutory victim for these offenses is the federal healthcare program. *See Hagen*, 60 F.4th at 937, 955 (affirming restitution under MVRA paid to Medicare for violation of Anti-Kickback Statute). Bloyd does not explain why he could qualify as a victim of those Counts. *See* 18 U.S.C. § 3663A(a)(2) (defining “victim” under MVRA).

<sup>6</sup> The term “victim” has a technical definition under the VWPA that limits who may receive restitution. *See* 18 U.S.C. § 3663(a)(2); *United States v. Kones*, 77 F.3d 66, 70 (3d Cir. 1996); *In re Doe*, 264 F. App’x 260, 263–64 (4th Cir. 2007). We assume without deciding that Bloyd might qualify as a “victim” in this case. We also assume that he sufficiently asserted any rights as a victim in the district court before filing this petition for a writ of mandamus. *See* 18 U.S.C. § 3771(d)(3) (“If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus.”).

In reaching its decision, the district court heard from the Government and Purdue's bankruptcy counsel, received hundreds of victim impact statements, and heard oral testimony from thirty-six members of the community. The district court took into consideration the complexity of Purdue's bankruptcy proceedings, the restructuring of Purdue into a public-benefit entity that would fund opioid treatment and monitoring programs, Purdue's civil settlement, and the monetary fines and penalties imposed under the plea agreement. After considering these factors the district court adopted the plea agreement and declined to award discretionary restitution under the VWPA.

Further, the record establishes that this case fits within the complexity exception contained in the VWPA. It is uncontested that there are thousands of potential victims of Purdue's crimes, and their losses have not been quantified and depend on numerous variables. Any restitution calculation and causation analysis would have been unduly complicated, would have necessitated additional lengthy proceedings, and would have substantially reduced and delayed the victim recoveries under the bankruptcy plan. Based on this, the district court accepted the parties' determination that restitution was not administratively feasible and would unduly complicate and prolong the sentencing process, outweighing the need for restitution. *See generally Kones*, 77 F.3d at 68–69. However, such findings should be made expressly on the record. We remind courts “to make specific findings as to the factual issues that are relevant to the application of the restitution provisions of the VWPA,” *United States v. Palma*, 760 F.2d 475, 480 (3d Cir.

1985), and “to articulate the balancing analyses as required by § 3663(a)(1)(B)(ii) when restitution is denied,” *In re Brown*, 932 F.3d 162, 173 (4th Cir. 2019).

For the reasons above, Bloyd’s petition for a writ of mandamus will be denied. Bloyd’s motion for leave to file a reply is granted, and we have considered his reply.