

BARCKETT, Circuit Judge, concurring in part and dissenting in part:

I concur in the majority opinion except as to the majority's affirmance of the restitution order imposed against appellant Floyd. I do not believe that the record reflects that the district court considered Floyd's ability to pay \$593,456.82 in restitution, especially where the PSI found that Floyd did not have the ability to pay a fine within the guideline range of \$6,000 to \$60,000. Accordingly, I would remand the case to the district court for consideration of Floyd's ability to pay.