

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10473
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SALEEM HAKIM,
a.k.a. Saleem Hakim,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:18-cr-00126-MLB-RGV-1

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and BRASHER,
Circuit Judges.

PER CURIAM:

Saleem Hakim appeals the revocation of his supervised release for failing to pay timely restitution and failing to submit a completed financial disclosure form. He argues that the district court abused its discretion because he made his restitution payments before his final revocation hearing and the government failed to prove that his failure to pay earlier was willful. He also argues that the district court abused its discretion in finding that he failed to complete the disclosure form because he had concerns about self-incrimination. Because the district court did not abuse its discretion, we affirm.

I. BACKGROUND

In 2023, a grand jury charged Hakim with six counts of failure to file tax returns and three counts of tax evasion. *See* 26 U.S.C. §§ 7201, 7203. The indictment alleged that Hakim failed to file his tax returns in 2011, 2012, 2013, 2020, 2021, and 2022, and evaded paying his taxes in 2020, 2021, and 2022. A jury found Hakim guilty and the district court sentenced him to a total term of 48 months of imprisonment followed by three years of supervised release. The conditions of his supervised release required him to follow the instructions of his probation officer, provide a full and complete disclosure of his finances, including an audit of his financial documents at the request of his probation officer, and make monthly payments towards his restitution.

Hakim began his supervised release on September 9, 2025. On October 31, 2025, his probation officer petitioned to revoke his

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supervised release based on his refusal to complete his financial disclosure form and psychological questionnaire as she had instructed and his failure to disclose his finances on two separate occasions. At the initial revocation hearing, Hakim denied the allegations and argued that he met the deadline to complete the financial form but had invoked his Fifth Amendment right against self-incrimination on each question.

The government called Hakim's probation officer, Leslie Hopkins, who testified that she had discussed the conditions of Hakim's supervised release with him at their initial meeting and that Hakim had stated that, while he protested the terms, he understood them. Officer Hopkins testified that she then provided Hakim with the financial disclosure form and psychological questionnaire that she instructed were to be completed before her first home visit on October 10, 2025, and that Hakim sent her a copy of the financial disclosure form before the home visit, but he wrote on it that he "invoke[d] right against self-incrimination" instead of answering each question. Officer Hopkins testified that Hakim did not submit the psychological questionnaire.

Officer Hopkins testified that, during the home visit, Hakim invoked the Fifth Amendment for each of her questions and refused to complete the financial disclosure form and psychological questionnaire. After the home visit, Officer Hopkins extended the deadline by which Hakim had to complete the forms, but he still refused to do so. Officer Hopkins opined that Hakim was not legitimately invoking his right against self-incrimination and was trying

to avoid complying with the conditions of his supervised release. Hakim stated that, in his prior criminal case, his probation officer had testified against him, so he had cause for concern that anything he said could be incriminating, and Officer Hopkins opined that she thought that concern was unreasonable.

The district court found that the government had proved by a preponderance of the evidence that Hakim had violated the conditions of his supervised release. It stated that the parties did not dispute that Hakim did not complete the financial disclosure form or psychological questionnaire and found that Hakim did not raise a legitimate Fifth Amendment argument. It continued Hakim's revocation hearing to allow him an opportunity to comply with his probation officer's instructions and complete the forms.

Officer Hopkins filed an amended revocation petition, adding a third allegation that Hakim had violated the conditions of his supervised release by failing to make his required restitution payments for the months of November 2025, December 2025, and January 2026.

At the continued revocation hearing, the government stated that Hakim had completed the financial disclosure form and psychological questionnaire but had not provided the details requested. For example, the government stated that Hakim had not provided any information regarding his spouse's assets, as the form required.

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The district court confirmed that Hakim had received the amended petition that alleged he had not paid his required restitution, and Hakim stated that he had. The district court continued the hearing again to allow Hakim's spouse to speak to any objections she had to providing information regarding her assets to Officer Hopkins.

At the final revocation hearing, the government stated that Hakim had, two days before the hearing, made payment to cover the three months of unpaid restitution alleged in his amended revocation petition. The government argued that Hakim had not paid his restitution in a timely manner, and Hakim argued that this failure was not willful because he was not employed.

Officer Hopkins testified that, at her initial meeting with Hakim, they discussed his restitution payment conditions, and she did not recall him having any questions about it. They established a restitution payment schedule, but Hakim did not make his restitution payments in November, December, or January. Officer Hopkins testified that, after the most recent hearing, she spoke with Hakim about the nonpayment, alerted him that he was now three months behind on his payments, and provided him with another copy of the payment schedule. The district court asked, "So he missed them in . . . November, December, and January . . . [a]nd then two days before this hearing, paid them?" Officer Hopkins responded in the affirmative. The district court responded that it was "about par for the course." Officer Hopkins stated that, when Hakim made his late payment, he also attempted to pay his February

restitution payment. Officer Hopkins testified that, at their initial meeting, Hakim made contradictory statements about the status of his employment by stating both that he was not earning income and that he was working various jobs. The government argued that Hakim did not make timely restitution payments, and that, if the final revocation had not been scheduled for that day, Hakim would not have made payment at all.

The district court found by a preponderance of the evidence that Hakim failed to make timely restitution payments in November, December, and January, and made them only two days before the hearing, in violation of the terms of his supervised release, and reiterated that it had already found that he also violated his supervised release by failing to follow instructions and complete the required financial disclosures. It stated that it did not believe Hakim was being truthful and stated that he “had a lot of opportunities to follow the rules, whatever the rules might be,” but that Hakim “consistently failed” to do so. It stated that Hakim was “the type of person who will try to do nothing that he’s required to do, particularly when it comes to repaying the government or paying taxes.” It rejected the assertion that Hakim lacked the ability to make the restitution payments, stating, “when you come in two days before a hearing when that issue is on the table and you finally pay it and even then you have extra money, from that, . . . I conclude that you always could have paid it.” It stated that it “would never revoke supervised release and incarcerate somebody because they [could not] pay restitution.”

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The district court revoked Hakim's supervised release and sentenced him to three months of imprisonment, followed by two years of supervised release. Hakim objected to the finding that he "came up with the money at the last minute," which the court overruled because Hakim produced no evidence of his inability to pay.

II. STANDARD OF REVIEW

We review a revocation of supervised release for abuse of discretion. *United States v. Frazier*, 26 F.3d 110, 112 (11th Cir. 1994). A district court may revoke a defendant's supervised release if it finds by a preponderance of the evidence that the defendant violated a condition of his supervised release. 18 U.S.C. § 3583(e)(3). The government has the burden of proving a violation of the conditions of supervised release by a preponderance of the evidence, which requires proof "that the existence of a fact is more probable than its nonexistence." *United States v. Trainor*, 376 F.3d 1325, 1331 (11th Cir. 2004) (quotation marks omitted).

III. DISCUSSION

Hakim argues that the district court abused its discretion in finding that he had violated his supervised release by failing to pay his restitution because he made his late payments two days before his final revocation hearing, and the government failed to prove that his failure to pay his restitution was willful. He also contends that the district court required that he produce evidence that his failure to pay was not willful and improperly shifted the burden of proof from the government to him. He also argues that the district

court abused its discretion in finding that he violated his supervised release conditions by failing to complete his disclosure forms.

A district court may revoke a defendant's supervised release if it finds that he is in default on a payment of restitution. *See* 18 U.S.C. § 3613A(a)(1). In making this finding, the district court must "consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the fine or restitution order, and any other circumstances that may have a bearing on the defendant's ability or failure to comply with the order of a fine or restitution." *Id.* § 3613A(a)(2). It must also inquire into the reasons for the defendant's failure to pay to determine if he willfully refused to pay or failed to make bona fide efforts to acquire the resources to pay. *Bearden v. Georgia*, 461 U.S. 660, 672 (1983). The government can satisfy its burden of proving willfulness by presenting evidence the defendant had funds available to pay restitution or the ability to borrow funds and did not do so. *Id.* at 668. When a decision to revoke a defendant's supervised release is supported by one violation, any error in considering other violations is harmless. *United States v. Vandergrift*, 754 F.3d 1303, 1307 (11th Cir. 2014).

The district court did not abuse its discretion in revoking Hakim's supervised release. The government proved that Hakim failed to make his restitution payments in November, December, or January, and paid his arrears only two days before his final hearing. Sufficient evidence supports the finding that Hakim's failure to make timely restitution payments was willful, based on his history

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of attempting to avoid legal responsibility, “particularly when it comes to repaying the government or paying taxes,” and refusing to comply with conditions of his supervised release without protest and prolongment. *Bearden*, 461 U.S. at 672; *see United States v. Villarreal*, 613 F.3d 1344, 1358 (11th Cir. 2010) (holding that credulity determinations are left to the discretion of the district court). And because the revocation of Hakim’s supervised release based on his failure to pay restitution was not an abuse of discretion, any alleged error about the additional basis for revoking Hakim’s supervised release is harmless. *See Vandergrift*, 754 F.3d at 1307.

IV. CONCLUSION

We **AFFIRM** the revocation of Hakim’s supervised release.