

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 13a0297n.06

No. 11-4310

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Mar 25, 2013
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee,)	ON APPEAL FROM THE
)	UNITED STATES DISTRICT
v.)	COURT FOR THE SOUTHERN
)	DISTRICT OF OHIO
CHRISTOPHER J. KLEIN,)	
)	
Defendant-Appellant.)	OPINION
)	
_____)	

Before: DAUGHTREY, KETHLEDGE, and DONALD, Circuit Judges.

PER CURIAM. On February 27, 2013, this Court issued its decision in *United States v. Gamble*, --- F.3d ----, 2013 WL 692512 (6th Cir. Feb. 27, 2013) (published decision), which endorsed the use of an apportionment formula in determining the amount of restitution owed to a victim of child pornography. The district court in the present case considered, but did not employ, such a formula in awarding restitution; instead, it arrived at a nominal amount of \$5,000 with little explanation.

The nature of restitution is heavily factual, and we lack an adequate record from which we can discern the propriety of the district court’s award. Accordingly, we **VACATE** the restitution order of the district court below and **REMAND** with instruction to reconsider and recalculate the restitution amount in light of *Gamble*.