

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-00762

GEORGE M. STEPP,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is the United States' application for a writ of garnishment [ECF 11]. In its application, the United States references the Court's November 3, 2011, consent judgment order (ECF 6) in which Defendant George M. Stepp confessed judgment for the principal amount of \$16,873 with interest accruing from the date of judgment. The United States also represents that as of March 19, 2014, Defendant owes \$12,786.69, of which \$12,785.22 is principal and \$1.47 is interest. The United States alleges that it believes that Cliffs Logan County Coal of Man, West Virginia is an employer of Defendant and owes and will owe earnings to Defendant. The United States now asks the Court to enter an order directing the Clerk to enter a writ of continuing garnishment pursuant to 28 U.S.C. § 3205(c)(1) and tenders a proposed writ (ECF 11-4).

Pursuant to 28 U.S.C. Section 3205(a), "[a] court may issue a writ of garnishment against property (including nonexempt disposable earnings) in which the debtor has a substantial nonexempt interest and which is in the possession, custody, or control of a person other than the debtor, in order to satisfy the judgment against the debtor." Section 3205(b) requires that the

United States include in its application for a writ of garnishment the judgment debtor's name, social security number, and last known address; the nature and amount of the debt owed, the fact that not less than thirty days have elapsed since demand on the debtor for payment of the debt was made and the fact that the debt remains unpaid; and that the garnishee is believed to have possession of property in which the debtor has a substantial nonexempt interest. 28 U.S.C. § 3205(b)(1)(A-C).


Defendant has not filed a response in opposition to the United States' application for a writ of garnishment

Upon review of the United States' application, the Court **FINDS** that the United States has satisfied the statutory requirements for issuance of a writ of continuing garnishment. Accordingly, the Court **DIRECTS** the Clerk to issue a writ of continuing garnishment as set forth in the United States' proposed writ (ECF 11-4).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 10, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE