

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 15-15417

D.C. Docket No. 5:15-cv-00206-CAR

ELAINE MARSHALL,

Plaintiff-Appellant,

versus

FREDERICK J. HANNA AND ASSOCIATES, P.C.,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

(December 16, 2016)

Before WILLIAM PRYOR and ROSENBAUM, Circuit Judges, and
MARTINEZ,* District Judge.

PER CURIAM:

* Honorable Jose E. Martinez, United States District Judge for the Southern District of Florida, sitting by designation.

The only issue in this appeal is whether the venue provision of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692i(a)(2), applies to garnishment proceedings under Georgia law. That issue is controlled by recent binding precedent. *See Ray v. McCullough Payne & Haan, LLC*, No. 16-11518 (11th Cir. Sept. 29, 2016). The venue provision of the Act requires “[a]ny debt collector who brings any legal action on a debt against any consumer” to “bring such action only in the judicial district . . . in which such consumer signed the contract sued upon; or in which such consumer resides at the commencement of the action.” 15 U.S.C. § 1629i(a)(2). We held in *Ray* that the provision does not apply to garnishment proceedings brought under Georgia law because those proceedings are “fundamentally an action against the garnishee, not the consumer.” *Ray*, slip op. at 8. Frederick J. Hanna and Associates obtained a judgment against Elaine Marshall and then filed a garnishment action in Georgia against her employer. Because this garnishment proceeding was against the garnishee, Marshall’s employer, and not the consumer, Marshall, the venue provision of the Act does not apply.

We **AFFIRM** the judgment of the district court.