

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 08-1035

United States of America,

Appellee,

v.

Loren Longie,

Appellant,

Spirit Lake Tribe,

Garnishee.

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* Appeal from the United States
* District Court for the
* District of North Dakota.
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* [UNPUBLISHED]
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Submitted: May 15, 2009

Filed: May 19, 2009

Before RILEY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Loren Longie challenges the district court’s¹ order of garnishment, which was entered to help satisfy Longie’s criminal restitution debt. On appeal, he argues that a tribal disbursement was not subject to collection by the government because it

¹The Honorable Ralph Erickson, United States District Judge for the District of North Dakota.

constituted “other income” under 26 U.S.C. § 6334(a)(9). After careful review, we conclude that section 6334(a)(9) does not apply in this case. *See* 18 U.S.C. § 3613(a)(1), (f) (United States may enforce judgment imposing fine using procedures for enforcement of civil judgment under federal law; notwithstanding any other federal law, judgment imposing fine may be enforced against all property or rights to property of person fined, except that property exempt from levy for taxes pursuant to § 6334(a)(1)-(8), (10), and (12) shall be exempt from enforcement of judgment; in accordance with 18 U.S.C. § 3664(m)(1)(A), all provisions of this section are available to United States for enforcement of order of restitution).

Accordingly, we affirm. *See* 8th Cir. R. 47B. We deny appellee’s pending motion to supplement the record on appeal.
