

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF ALABAMA
 SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 1:22-mc-3989-ECM
)	(WO)
OFFICE OF CONGRESSMAN BARRY)	
MOORE, DOTHAN, ALA.)	
)	
Garnishee,)	
)	
SHERRY MCCORMICK,)	
)	
Defendant.)	

MEMORANDUM OPINION and ORDER

This matter is before the Court on the Defendant’s claim for exemption and a motion for a hearing (doc. 6).

On October 5, 2017, McCormick pleaded guilty to health care fraud in violation of 18 U.S.C. § 1347. As part of her plea agreement, McCormick agreed to pay restitution on the full amount of loss and agreed that “[a]ny payment schedule imposed by the Court is without prejudice to the United States to take all actions and remedies available to it to collect the full amount of the restitution.” *United States v. McCormick*, 6:17-cr-00005-LGW, doc. 35 at 6 (S.D. Ga. Oct. 5, 2017). On February 21, 2018, the Defendant was sentenced to 8 months imprisonment, 3 years of supervised release and ordered to pay \$447,705.11 in restitution. (*Id.* at doc. 44, p. 6). The Court further ordered that “[u]pon release from imprisonment and while on supervised release, nominal payments of a

minimum of \$ 200 per month shall be made.” (*Id.* at doc. 44, p. 7). As of November 8, 2022, the balance remaining on McCormick’s restitution was \$359,842.43. (Doc. 9-1 at 1).

On October 4, 2022, the United States applied for, and was issued, a writ of garnishment against Defendant Sherry McCormick (“McCormick”). (Doc. 1, 3). On November 3, 2022, McCormick filed a claim for exemptions and a request for a hearing. (Doc. 6).

The Court held a hearing on November 9, 2022. At the hearing, McCormick conceded that she has no legal basis to oppose the garnishment and she admitted that the government could garnish up to 25% of her wages. She presented no facts that would demonstrate that she is entitled to claim any exemption of her wages from garnishment. There is no dispute that the United States may garnish up to 25% of McCormick’s wages to satisfy restitution.

Accordingly, it is

ORDERED that the Writ of Garnishment issued and served upon the Garnishee (doc. 5) is GRANTED. The United States is entitled to garnish up to 25% of McCormick’s wages because she has failed to establish any claim for exemption.

DONE this 16th day of November, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE