

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:08cv403-MHT
)	(WO)
JONAS MAURICE MORRIS,)	
)	
Defendant.)	

OPINION AND ORDER

By final judgment entered on July 21, 2008, plaintiff United States of America is to have and recover from defendant Jonas Maurice Morris the sum of \$ 17,690.33, plus interest at the rate of 3.36 % per annum to the date of judgment, and interest from the date of judgment at the legal rate of 2.25 % per annum, until paid in full. On December 9, 2008, the United States filed an application for a writ of garnishment, claiming a balance due of \$ 20,357.69 as of that date (which amount includes a 10 % surcharge, pursuant to 28 U.S.C. § 3011).

The United States stated that garnishee MBM Corporation, 2641 Meadowbrook Road, Rocky Mount, NC

27802, "is believed to owe or will owe money to [Morris], or is in possession of property of [Morris], in which [Morris] has a substantial non exempt interest." Application for Writ at 2 (Doc. No. 14).

On December 15, 2008, the United States Marshal served Morris's mother, "[a] person of suitable age and discretion then residing in [Morris's] usual place of abode," with notice of the application for writ of garnishment. Acknowledgment of Service (Doc. No. 16). The notice of garnishment informed Morris, among other things, that, "unless within twenty (20) days from the receipt of the Answer of the Garnishee, you file a written Objection to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered attaching the funds or property and the funds or property will be applied against the Judgment owed the United States of America." Notice of Garnishment at 1-2 (Doc. No. 14-3). The notice also informed Morris: "YOU MAY

WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE." Id. at 2.

On January 28, 2009, MBM filed an answer to the writ of garnishment stating: "Mr. Jonas M. Morris is employed with our company as an Inventory Control Clerk and paid bi-weekly. First deduction will be on check dated February 6, 2009." Answer (Doc. No. 17). Although more than a year has passed since MBM filed its answer, Morris has made no objection to the writ of garnishment.

Accordingly, it is the ORDER, JUDGMENT and DECREE of the court that judgment is entered against garnishee MBM Corporation and that garnishee MBM Corporation shall remit to United States Attorney's Office for the Middle District of Alabama, sufficient sums, as indicated in the instructions to the garnishee, from the income of defendant Jonas Maurice Morris.

DONE, this the 26th day of February, 2010.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE