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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Madeline Dittmar,
Judgment Creditor,
vs.
Thunderbird Collection Specialists, Inc.,
Judgment Debtor,

Wells Fargo Bank, N.A.
Garnishee.

No. CV 06-1980-PHX-JAT

ORDER

On August 11, 2008, Judgment Creditor Madeline Dittmar moved for Garnishment Judgment (Doc. #30). In its Verified Answer (Doc. #29), Garnishee Wells Fargo Bank, N.A., indicated that at the time the writ of garnishment was served, Wells Fargo owed the Judgment Debtor Thunderbird Collection the total sum of \$124,773.30, and that Wells Fargo had withheld \$15,954.31 of that amount pursuant to the Writ of Garnishment (Doc. #28). Judgment Debtor Thunderbird Collection did not file an objection to the Writ of Garnishment or Motion for Garnishment Judgment. On September 4, 2008, the Magistrate Judge issued a Report and Recommendation (“R&R”)(Doc. #32) recommending that the Court enter a Judgment on Garnishment against Garnishee Wells Fargo in the total sum of \$14,503.92. The Magistrate Judge also recommended that Wells Fargo be awarded the sum of \$75.00

1 against the Judgment Debtor's funds to cover the costs of preparing the Answer of the
2 Garnishee.

3 Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts
4 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not
5 required to conduct "any review at all . . . of any issue that is not the subject of an objection"
6 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*
7 *banc*) ("statute makes it clear that the district judge must review the magistrate judge's
8 findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis
9 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

10 Accordingly,

11 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.
12 #32) is **ACCEPTED**; and

13 **IT IS FURTHER ORDERED** GRANTING Ms. Dittmar's Motion for Garnishment
14 Judgment (Doc. #30) against Garnishee Wells Fargo, N.A., in the amount of \$14,503.92.

15 **IT IS FURTHER ORDERED** Awarding Garnishee Wells Fargo \$75.00 against the
16 Judgment Debtor Thunderbird Collection's funds as costs for preparing the Answer of the
17 Garnishee.

18 **IT IS FURTHER ORDERED** that the amounts retained by Garnishee Wells Fargo,
19 N.A., pursuant to the writ of garnishment and this Order are to be immediately paid upon
20 receipt of this Order to Floyd W. Bybee, as attorney for the Judgment Creditor, at the Law
21 Office of Floyd W. Bybee, PLLC, 4445 E. Holmes Ave., Ste. 107, Mesa, AZ 85206-5530.

22 DATED this 25th day of September, 2008.

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25 
26 James A. Teilborg
United States District Judge