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 District of Arizona
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 7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF ARIZONA**

9 United States of America,
 10 Plaintiff,
 11 v.
 12 Donald C. Myers,
 13 Defendant,
 14 and
 15 Champagne's Home Decor, LLC,
 16 Garnishee.

CR 91-0409-PHX-RGS

**MOTION FOR ENTRY OF
 GARNISHMENT DISPOSITION
 ORDER**

17 The United States of America, by and through the undersigned Assistant United States
 18 Attorney, hereby files this Motion for Entry of Garnishment Disposition Order and in support
 19 thereof states as follows:

- 20 1. On March 9, 1992, a Judgment was entered against Defendant in U.S. District
 21 Court, District of Arizona.
 22 2. On September 18, 2007, the United States filed an Application for Writ of
 23 Garnishment pursuant to 18 U.S.C. § 3613(a) and 28 U.S.C. § 3205(c). On the same day,
 24 a Writ of Garnishment was forwarded to the Clerk of the Court for issuance.
 25 3. The Writ of Garnishment was served on the Defendant's employer, the
 26 Garnishee, on September 24, 2007. On September 26, 2007, a copy of the Writ, the Clerk's

1 Notice of Post Judgment Garnishment, and Garnishment Instructions to Judgment Debtor
2 were sent to Defendant by certified mail and by regular mail. The documents informed the
3 Defendant that if he objected to the garnishment, a hearing must be requested with the court,
4 in writing, within twenty days of receipt of the Notice. The documents also provided the
5 Defendant with the information necessary for the Defendant to request a hearing.

6 4. The Defendant did not sign for the certified mail; however, the documents
7 served by regular mail were not returned by the post office as undeliverable.

8 5. On or about October 15, 2007, the Garnishee returned to the United States its
9 Answer of Garnishee, which Plaintiff subsequently filed with the Court.

10 6. Defendant has not requested a hearing on the garnishment.

11 Wherefore, the United States respectfully requests that this Court enter a Garnishment
12 Disposition Order directing the Garnishee to pay the withholdings currently held by the
13 Garnishee pursuant to the Writ of Garnishment and to continue withholding and pay to the
14 United States 25% of Defendant's non-exempt earnings until the judgment is paid in full or
15 until the garnishee is no longer in possession of non-exempt earnings of the Defendant.

16 DATED this 8th day of November, 2007.

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18 DANIEL G. KNAUSS
19 UNITED STATES ATTORNEY
20 DISTRICT OF ARIZONA

21 *s/ Elizabeth A. Wilson*

22 ELIZABETH A. WILSON
23 Assistant U.S. Attorney
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1 I hereby certify that on the 8th day of November, 2007, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF system for filing and I served the
3 attached document by mail on the following, who are not registered participants of the
4 CM/ECF system.

5 Donald C. Myers,
6 Phoenix, Arizona

7 Champagne's Home Decor, LLC
8 Attn: Payroll/Garnishments
9 7175 E. Lincoln Drive
10 Scottsdale, AZ 85253

11 /s/ Valerie Hillmar

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