

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,

11 v.

12 Douglas S. Younglove,
13 Defendant.

14 Lerner & Rowe, PC,
15 Garnishee.
16

No. CV-10-00846-PHX-JJT

**GARNISHMENT DISPOSITION
ORDER**

17 A Writ of Garnishment, directed to the Garnishee, has been duly issued and served
18 upon the Garnishee. Pursuant to the Writ of Garnishment, the Garnishee filed an Answer
19 on December 16, 2015, stating that at the time of the service of the Writ it had in its
20 possession non-exempt earnings belonging to and due the Defendant and that the
21 Garnishee was indebted to the Defendant.

22 On December 11, 2015, the United States of America notified the Defendant of his
23 right to a hearing. The Defendant requested a hearing on the garnishment on
24 December 29, 2015. (Doc. 23.) On January 12, 2016, this court referred this matter to
25 Magistrate Judge David K. Duncan for the purpose of deciding the request for hearing
26 and, if Judge Duncan concluded that a hearing is warranted, conducting the hearing.
27 (Doc. 25.) Judge Duncan held hearings on February 16, 2016, February 24, 2016
28 (telephonically), and March 8, 2016. (Docs. 27, 31, 34 and 41.) On March 10, 2016,

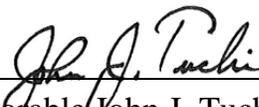
1 Judge Duncan concluded that the Defendant had produced no credible or legally
2 supported basis to challenge the requested garnishment and recommended that this Court
3 grant the government's request. (Doc. 40.) Despite the Report and Recommendation
4 ("R&R") warning Defendant that he had fourteen days to file any objections thereto, and
5 that his failure to do so "may result in the acceptance of the R&R by the district court
6 without further review" pursuant to *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
7 (9th Cir. 2003), Defendant filed no objection. The Court nonetheless conducted a review
8 of the R&R, and upon finding the reasons supporting it legally justified and factually
9 supported,

10 IT IS ORDERED adopting Magistrate Judge David K. Duncan's Report and
11 Recommendation (Doc. 40).

12 IT IS FURTHER ORDERED granting the United States Government's Motion for
13 Entry of Garnishment Disposition Order (Doc. 42).

14 IT IS FURTHER ORDERED that the Garnishee pay the sum of 25% of the
15 Defendant's non-exempt earnings to the Plaintiff and continue withholding the
16 Defendant's non-exempt earnings and paying them to the Plaintiff until the debt to the
17 Plaintiff is paid in full or until the Garnishee no longer has possession of any non-exempt
18 earnings belonging to the Defendant or until further Order of this Court. Checks should
19 be made payable to the Department of Justice and mailed to U.S. Attorney's Office,
20 Financial Litigation Unit, 405 West Congress Street, Suite 4900, Tucson, Arizona 85701-
21 5041. Checks should include the Defendant's name and Court number.

22 Dated this 29th day of March, 2016.

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25 _____
26 Honorable John J. Tuchi
27 United States District Judge
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