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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

 Plaintiff and Judgment
 Creditor,

 v.

JOSE V. GARCIA,

 Defendant and Judgment
 Debtor.

WEST HILLS FUELS, INC.,

 Garnishee.

No. 1:15-cv-01077-DAD-BAM

SECOND AMENDED FINAL ORDER FOR
WRIT OF CONTINUING GARNISHMENT
(WAGES)¹

(Doc. No. 20)

This matter is before the court on plaintiff United States’ application for a final writ of continuing garnishment (wages) against defendant and judgment debtor Jose Garcia’s non-exempt disposable earnings due to Garcia from garnishee West Hills Fuels, Inc. (“West Hills”). (Doc. No. 20.) As set forth in the plaintiff’s application, the United States sought and obtained

¹ As a result of inadvertent errors in the prior orders issued in this regard, this order supersedes those prior court orders regarding continuing garnishment against defendant and judgment debtor Jose Garcia. (See Doc. Nos. 28, 30.) Those prior orders are to be disregarded.

1 the writ to collect the \$25,276.40 Garcia owes pursuant to the judgment entered against him by
2 this court on February 25, 2016 and a statutorily authorized litigation surcharge. (*See id.* at 1.)
3 The Clerk of the Court issued the writ, which the United States served on West Hills and Garcia.
4 (*See* Doc. Nos. 24–25.)

5 West Hills served and filed its acknowledgement of service and answer of garnishee (the
6 “answer”) to the writ, which acknowledged that Garcia was an employee of West Hills and
7 identified his pay. (Doc. No. 26.) Garcia did not file a timely claim of exemption to the proposed
8 garnishment of the wages owed to him by West Hills, did not object to the answer of West Hills,
9 did not request a hearing, and did not otherwise present an objection to the court to the United
10 States’ garnishment action.

11 In accordance with 28 U.S.C. § 3205(c)(7), after the garnishee files an answer, and if no
12 hearing is requested with the required time period, the court shall promptly enter an order
13 directing the garnishee as to the disposition of the judgment debtor’s property. Good cause
14 appearing from the review of the court files, the United States’ application for a writ of
15 continuing garnishment (wages) will be granted.

16 Accordingly,

- 17 1. The United States’ application for a final writ of continuing garnishment (wages)
18 (Doc. No. 20) is granted;
- 19 2. Garnishee West Hills is ordered to pay at least monthly to the U.S. Department of
20 Justice, 25 percent of defendant Garcia’s disposable wages, earnings, commissions,
21 bonuses, and compensation until: (a) the judgment including interest and surcharge
22 amount of \$27,804.04 is paid in full; (b) further order of this court; or (c) West Hills
23 no longer has custody, possession, or control of any property belonging to defendant;
- 24 3. Garnishee West Hills is further ordered to provide the United States with written
25 notice if the amount or form of compensation to defendant Garcia changes while this
26 order is in effect or if West Hills no longer has custody, possession, or control of
27 Garcia’s property;

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- 4. Within twenty days of the filing of this final order, West Hills shall deliver to the U.S. Department of Justice all amounts previously withheld by West Hills from and after West Hills received the writ of garnishment on July 1, 2016; and West Hills shall also provide the United States a written accounting, by pay period, of the amounts withheld from defendant Garcia’s wages during the period from service of the writ to entry of this final order; and
- 5. The payment instrument, to be made payable to the “Department of Justice,” and any written accounting, shall be delivered to:

U.S. Department of Justice
 Nationwide Central Intake Facility
 P.O. Box 790363
 St. Louis, Mo 63179-0363

Garnishee West Hills shall include “CDCS Case No. 2015A47563” on the payment instrument.²

IT IS SO ORDERED.

Dated: November 1, 2016



 UNITED STATES DISTRICT JUDGE

² To the extent any payments have previously been received by the Clerk of the Court, the Clerk of the Court is directed to forward such payments to the U.S. Department of Justice in accordance with this order.