United	States v	. Cole

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8	IN THE UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	UNITED STATES OF AMERICA,	Case No.: 1:15-MC-0015-LJO	
12	Plaintiff,	STIPULATION REGARDING WRIT OF GARNISHMENT; AND ORDER THEREON	
13	V.	GARMENI, AND ORDER THEREON	
14	CALEB COLE,	CRIMINAL CASE. NO.: 1:11-CR-00026-LJO	
15	Defendant and Judgment Debtor.	No Hearing Requested	
16		No meaning requested	
17	OPPENHEIMER FUNDS SERVICES,		
18	Garnishee.		
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20	Plaintiff United States and defendant Caleb Cole hereby stipulate to the resolution of the United		
21	States' pending garnishment action against Defendant's interest in his retirement account at garnishee		
22	Oppenheimer Funds Services ("Oppenheimer Funds") as follows:		
23	1. The Court convicted and sentenced Defendant in the above referenced criminal case as		
24	stated in the Judgment in a Criminal Case filed on August 3, 2014. CR ECF No. 366. The Judgment		
25	ordered Defendant to pay a \$100 special assessment and \$663,950 in restitution. Defendant has not paid		
26	the restitution in full.		
27	2. The United States sought, and the	Clerk issued, a writ of garnishment on March 27, 2015	
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	Stipulation and Order of Garnishment	1	
		Dockets.Justia	

1 against Defendant's retirement account at Oppenheimer Funds. Misc. ECF No. 5.1.

3. Oppenheimer Funds filed and served its acknowledgement of service and answer of
garnishee (the "Answer") to the writ, identifying Defendant as the owner of a retirement account ending
in numbers 9552. Misc. ECF No. 8. The Answer states the approximate value of the account as
\$20,509.44. The value is approximate as the account may be subject to dividend distributions and
fluctuating market prices.

7 4. On April 15, 2015, Defendant filed a request for hearing in this garnishment proceeding.
8 Misc. ECF No. 7. The request states: "I do not understand how the disbursement will affect my federal
9 taxes. If I am liable for the penalty for early withdrawal I request that amount be left for me to do so."

5. Following negotiations, the parties agree the United States may garnish a portion of
Defendant's retirement account number 9552 and that the Court can and should enter an order:

A. Garnishing 85% of the account's value as of the date the Court signs the order
approving this stipulation (the "Garnished Amount"; for example, if the value of account number 9552
is still \$20,509.44 at the time of signature, Oppenheimer Funds would pay \$17,433.02) and directing the
payment of this amount to the Clerk of the Court; and

B. That upon Oppenheimer Fund's payment of the Garnished Amount to the Clerk,
Oppenheimer Funds may release the balance of the retirement account to Defendant's control.

18 6. Defendant agrees to withdraw his previously filed request for hearing and waives any19 other objection to this proceeding.

20 FOR THE UNITED STATES OF AMERICA:

BENJAMIN B. WAGNER United States Attorney

23 Dated: May 27, 2015

/s/ KURT A. DIDIER Assistant United States Attorney

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FOR THE DEFENDANT AND JUDGMENT DEBTOR:

27 Dated: May 27, 2015

/s/ CALEB COLE, in pro per

1	O R D E R			
2	The Court, having reviewed the court files and the parties' Stipulation Regarding Writ of			
3	Garnishment (the Stipulation), and finding good cause therefrom, hereby APPROVES the Stipulation.			
4	ACCORDINGLY, the Court hereby ORDERS, ADJUDGES and DECREES as follows:			
5	1. The United States' application for an order of garnishment is GRANTED;			
6	2. Oppenheimer Funds shall DELIVER, within fifteen (15) days of the date of this Order, a			
7	cashier's check or money order in the sum of 85% of the value of Defendant's account ending in numbers			
8	9552, calculated as of the date this order is signed below (the "Garnished Amount") and made payable to			
9	the "Clerk of the Court" at the Office of the Clerk, United States District Court, Eastern District of			
10	California, 501 I Street, Suite 4-200, Sacramento, California 95814. Oppenheimer Funds shall also state			
11	the docket number (Case No.: 1:11-CR-000026-LJO) on the payment instrument and, if it desires a			
12	payment receipt, shall include a self-addressed, stamped envelope with the payment;			
13	3. Upon its payment of the Garnished Amount to the Clerk, Oppenheimer Funds shall			
14	RELEASE its hold on the remaining monies in account number 9552; and			
15	4. This is a final order of garnishment; upon payment and processing of the Garnished			
16	Amount as ordered above, this writ shall TERMINATE pursuant to 28 U.S.C. § 3205(c)(10)(B).			
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18	Dated: May 29, 2015 /s/ Lawrence J. O'Neill			
19	United States District Judge			
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	Order of Garnishment			