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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 CALEB COLE,
 15 Defendant and Judgment Debtor.
 16
 17 OPPENHEIMER FUNDS SERVICES,
 18 Garnishee.

Case No.: 1:15-MC-0015-LJO
**STIPULATION REGARDING WRIT OF
 GARNISHMENT; AND ORDER THEREON**
 CRIMINAL CASE. NO.: 1:11-CR-00026-LJO
 No Hearing Requested

19
 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
 28

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

2 3. Oppenheimer Funds filed and served its acknowledgement of service and answer of
3 garnishee (the "Answer") to the writ, identifying Defendant as the owner of a retirement account ending
4 in numbers 9552. Misc. ECF No. 8. The Answer states the approximate value of the account as
5 \$20,509.44. The value is approximate as the account may be subject to dividend distributions and
6 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."

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

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

16 B. That upon Oppenheimer Fund's payment of the Garnished Amount to the Clerk,
17 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 any
19 other objection to this proceeding.

20 FOR THE UNITED STATES OF AMERICA:

21 BENJAMIN B. WAGNER
22 United States Attorney

23 Dated: May 27, 2015

24 /s/
KURT A. DIDIER
Assistant United States Attorney

25 FOR THE DEFENDANT AND JUDGMENT DEBTOR:

26
27 Dated: May 27, 2015

28 /s/
CALEB COLE, in pro per

