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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as Trustees of the CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND TRAINING TRUST FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

SAMUEL MAGANA CASTILLO, individually and doing business as CONCRETE BY SMC; and CONCRETE BY SMC,

Defendants.

No. 1:15-mc-00037-DAD-EPG

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT DEFENDANT’S CLAIM OF EXEMPTION BE DENIED

(Doc. No. 22)

Plaintiff Board of Trustee’s Motion for Order Determining Claim of Exemption came on for hearing on December 4, 2015 before United States Magistrate Judge Erica P. Grosjean. (Doc. No. 22.) On December 10, 2015, the Magistrate Judge issued Findings and Recommendations recommending that Defendant Samuel Magana Castillo’s Claim of Exemption be denied. (Doc. No. 22.) The Findings and Recommendations were served on defendants with instructions that

1 any objections must be filed within fourteen days. Defendants did not file any objections. At the  
2 request of plaintiffs, the Magistrate Judge also ordered the U.S. Marshal Service to hold the  
3 property in dispute pending the adoption of the Findings and Recommendations.

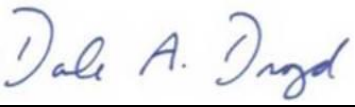
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
5 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the  
6 Findings and Recommendations are supported by the record and proper analysis. Accordingly:

- 7 1. The Findings and Recommendations dated December 10, 2015 (Doc. No. 22), are  
8 ADOPTED IN FULL;
- 9 2. Defendants' Claim of Exemption is DENIED in its entirety;
- 10 3. The U.S. Marshal Service is DIRECTED to release the \$13,580.00 received from  
11 Dale Atkins Contractor in response to Plaintiffs' levy to Plaintiffs and deposit the  
12 funds into Plaintiffs' counsel's trust account.

13 The Clerk of the Court is DIRECTED to serve a copy of this order on defendant at 1042  
14 East K Avenue, Visalia, California 93292.

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16 IT IS SO ORDERED.

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18 Dated: January 5, 2016

  
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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE

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