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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	UNITED STATES OF AMERICA,	No. 1:17-mc-00013-DAD-SAB
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
14	IRMA MIGUEL,	FINAL ORDER FOR WRIT OF
15	Defendant.	CONTINUING GARNISHMENT
16		Criminal Case No.: 1:96-CR-05110-REC
17		(Doc. No. 13)
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19	On February 16, 2017, plaintiff United States of America filed an application for a writ of	
20	continuing garnishment against defendant and judgment debtor Irma Miguel's ("Miguel") non-	
21	exempt disposable earnings due to the United States from garnishee Stanislaus County. (Doc.	
22	No. 3.) As set forth in the plaintiff's application, the United States sought and obtained the writ	
23	to collect the \$224,307.42 Miguel owed as of February 15, 2017, pursuant to a restitution order	
24	and statutory assessment entered against her in case number 1:96-cr-05110-REC on August 26,	
25	1996, and a statutorily authorized litigation surcharge. (Doc No. 3 at 2.)	
26	The Clerk of the Court issued the writ and notice of instructions to judgment debtor,	
27	which the United States served on Stanislaus County and Miguel. (Doc. Nos. 4-6.) Stanislaus	
28	County served and filed its acknowledgement	t of service and answer of garnishee (the "answer") 1

to the writ, which acknowledged that Miguel was an employee of Stanislaus County and
identified her pay. (Doc. No. 8.) Miguel did not file a timely claim of exemption to the proposed
garnishment of the wages owed to her by Stanislaus County, did not object to the answer of
Stanislaus County, did not request a hearing, and did not otherwise present an objection to the
court to the United States' garnishment action.

On April 11, 2017, the United States requested that the court issue findings and
recommendations for a final order of continuing garnishment against the property and account(s)
of Miguel ("the request"), which was referred to a United States Magistrate Judge pursuant to
Local Rule 302(c)(7). (Doc. No. 9.)

On April 28, 2017, the assigned magistrate judge filed findings and recommendations,
recommending that this court grant the United States' request for a final order of continuing
garnishment. (Doc. No. 13.) The findings and recommendations were served on Miguel and
contained notice that any objections thereto were to be filed within fourteen days from the date of
service. (*See* Doc. Nos. 13–14.) The period for filing objections has passed, and no objections
have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis. In accordance with 28 U.S.C. § 3205(c)(7), after the garnishee files an answer, and if no hearing is requested with the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's property. Good cause appearing from the review of the court files, the United States' request for a writ of continuing garnishment will be granted.

23 Accordingly,

1. The April 28, 2017 findings and recommendations (Doc. No. 13) are adopted in full;

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2. The United States' request for a final order of continuing garnishment (Doc. No. 9) is
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granted;

Garnishee Stanislaus County is ordered to pay at least monthly to the Clerk of the United
 States District Court, 25 percent of Miguel's non-exempt disposable wages, earnings,

1	commissions, bonuses, and compensation until: (a) the judgment including interest and	
2	surcharge amount of \$223,631.25 is paid in full; (b) further order of this Court; or (c)	
3	Stanislaus County no longer has custody, possession or control of any property belonging	
4	to defendant and judgment debtor;	
5	4. Stanislaus County is further ordered to provide the United States with written notice if the	
6	amount or form of compensation to Miguel changes while this order is in effect or if	
7	Stanislaus County no longer has custody, possession, or control of Miguel's property;	
8	5. Within twenty days of the filing of this final order, Stanislaus County shall deliver to the	
9	Clerk of the United States District Court all amounts previously withheld by Stanislaus	
10	County pursuant to the writ of garnishment. Stanislaus County shall also provide the	
11	United States with a written accounting, by pay period, of the amounts withheld Miguel's	
12	wages during the period from service of the writ to entry of this final order; and	
13	6. The instrument of payment must be made in the form of a cashier's check, money order or	
14	company draft, and made payable to the "Clerk of the Court" and delivered to the United	
15	States District Court, Eastern District of California, 501 I Street, Room 4-200,	
16	Sacramento, California 95814. Stanislaus County shall also include the criminal docket	
17	number (Case No. 1:96-CR-05110-REC) on the payment instrument.	
18	IT IS SO ORDERED.	
19	Dated: June 12, 2017 Jale A. Dryd	
20	UNITED STATES DISTRICT JUDGE	
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