

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

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

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

16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
17 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
18 and recommendations to be supported by the record and by proper analysis. In accordance with
19 28 U.S.C. § 3205(c)(7), after the garnishee files an answer, and if no hearing is requested with the
20 required time period, the court shall promptly enter an order directing the garnishee as to the
21 disposition of the judgment debtor's property. Good cause appearing from the review of the court
22 files, the United States' request for a writ of continuing garnishment will be granted.

23 Accordingly,

- 24 1. The April 28, 2017 findings and recommendations (Doc. No. 13) are adopted in full;
- 25 2. The United States' request for a final order of continuing garnishment (Doc. No. 9) is
26 granted;
- 27 3. Garnishee Stanislaus County is ordered to pay at least monthly to the Clerk of the United
28 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

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22 UNITED STATES DISTRICT JUDGE
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