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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN BUSTAMANTE,

Defendant and Judgment Debtor.

THE SF LGBT CENTER,
(and its Successors and Assignees),

Garnishee.

CASE NO. : 1:17MC00047-EPG

**FINDINGS AND RECOMMENDATIONS FOR
FINAL ORDER OF CONTINUING
GARNISHMENT (WAGES)**

**ORDER DIRECTING CLERK TO RANDOMLY
ASSIGN A DISTRICT JUDGE TO THIS
MATTER**

CRIMINAL CASE NO.: 2:09CR00504-GEB

The Court, having reviewed its files and the United States’ Request for Findings and Recommendations for Final Order of Continuing Garnishment (Wages) (the “Request”), and good cause appearing therefrom, hereby recommends a final order of continuing garnishment be granted.

Accordingly, IT IS RECOMMENDED that:

1. The United States’ Request for Findings and Recommendations for final order of continuing garnishment be GRANTED;
2. GARNISHEE, shall pay at least monthly to the Clerk of the United States District Court, twenty-five (25%) percent of the Defendant Benjamin Bustamante (“Defendant”) disposable wages, earnings, commissions, bonuses, and compensation less the prior wage garnishment against the

1 Defendant in the amount of \$115.00 per pay period, payable to the State of California, Franchise Tax
2 Board that is currently in effect.

3 3. In addition, the garnishment stays in effect until the earlier of Defendant's full
4 satisfaction of the restitution plus the litigation surcharge \$468,364.00, further order of the Court, or the
5 termination of the writ as set forth in 28 U.S.C. § 3205(c)(10).

6 4. The SF LGBT Center is further ORDERED to provide the United States with written
7 notice if the amount or form of compensation to Defendant changes while this order is in effect or if The
8 SF LGBT Center no longer has custody, possession, or control of Defendant's property. The SF LGBT
9 Center shall notify Plaintiff when the prior wage garnishment is terminated and adjust the garnishment
10 payments to the United States accordingly.

11 5. GARNISHEE, shall DELIVER, within fifteen (15) days of the filing of the Order; all
12 amounts previously withheld by The SF LGBT Center pursuant to the Writ of garnishment. Payment
13 shall be paid to the Clerk of Court. The SF LGBT Center shall also provide the United States with a
14 written accounting, by pay period, of the amounts withheld from the Defendant's wages during the
15 period, of the amounts withheld from Defendant's wages during the period from service of the Writ to
16 entry of this final order.

17 6. The instrument of payment must be made in the form of a cashier's check, money order
18 or company draft, and made payable to the Clerk of the Court and delivered to the United States District
19 Court, Eastern District of California, 501 I Street, Room 4-200, Sacramento, California 95814. The SF
20 LGBT Center shall also state the criminal docket number (Case No. 2:09CR00504-GEB) on the
21 payment instrument.

22 **RECOMMENDATIONS:**

23 For the foregoing reasons, IT IS HEREBY RECOMMENDED that plaintiff's request for
24 issuance of a final order of continuing garnishment be GRANTED.

25 These findings and recommendations are submitted to the United States District Judge assigned
26 to the case, pursuant to 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these
27 findings and recommendations, any party may file written objections with the court and served with
28 these findings and recommendations, any party may file written objections with the court and serve a

1 copy on all parties. Id.; see also E. Dist. Local Rule 304(b). Such document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections
3 shall be filed with the court and served on all parties within fourteen days after service of the objections.
4 E. Dist. Local Rule 304(d). Failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v.
6 Y1st, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

7 **ORDER:**

8 The Clerk's Office is directed to randomly assign a District Judge to this matter.

9
10 IT IS SO ORDERED.

11 Dated: August 9, 2017

12 /s/ Eric P. Gray
13 UNITED STATES MAGISTRATE JUDGE
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