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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANGELITA LEON,
Defendant and Judgment Debtor.

Case No.: 1:19-MC-00067-LJO-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND FINAL ORDER
OF GARNISHMENT**

Criminal Case No.: 1:09-CR-00006-LJO-BAM

SETTON PISTACHIO OF TERRA BELLA,
INC., DBA SETTON FARMS,
(and its Successors and Assignees)
Garnishee.

On August 19, 2019, the United States filed an Application for Writ of Continuing Garnishment (wages) against defendant and judgment debtor Angelita Leon’s disposable wages, earnings, commissions, and bonuses; and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk’s Notice of Instructions to the Judgment Debtor. ECF 3, 4. The United States served the Writ and related documents on Setton Pistachio of Terra Bella, Inc. (“Garnishee”) and Leon. ECF 2, 5.

On September 10, 2019, the Garnishee filed its Acknowledgment of Service and Answer of Garnishee stating that Leon is an employee of the Garnishee. *See* ECF 6. Leon did not file a claim of

1 exemption to the proposed garnishment, did not object to the Garnishee's answer, did not request a
2 hearing, and did not otherwise object to the United States' garnishment action.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on November 13, 2019, the Magistrate
4 Judge issued findings and recommendations that recommended that the United States' request for final
5 order of garnishment be granted and ordered that any objections were due within fourteen (14) days after
6 service. ECF 12. The United States served the findings and recommendations on Leon the next day.
7 ECF 13. Leon did not object, and the time to do so has passed.

8 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the
9 case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings
10 and recommendations are supported by the record and by proper analysis.

11 Accordingly:

12 1. The United States' Request for Findings and Recommendations for Final Order of
13 Garnishment be GRANTED;

14 2. Garnishee Setton Pistachio of Terra Bella, Inc., dba Setton Farms be directed to pay the
15 Clerk of the United States District Court twenty-five percent (25%) of Angelita Leon's ongoing and
16 non-exempt disposable wages, earnings, commissions, and bonuses;

17 3. Garnishee Setton Pistachio of Terra Bella, Inc., dba Setton Farms be directed to pay the
18 Clerk of the United States District Court the amount of non-exempt disposable wages, earnings,
19 commissions, and bonuses already withheld as a result of the writ, within fifteen (15) days of the filing
20 of an order adopting these Findings and Recommendations;

21 4. Garnishee Setton Pistachio of Terra Bella, Inc., dba Setton Farms be directed to make
22 payment in the form of a cashier's check, money order or company draft, made payable to the Clerk of
23 the Court and delivered to the United States District Court, Eastern District of California, 501 I Street,
24 Room 4-200, Sacramento, California 95814. The criminal docket number (1:09-CR-00006-LJO-BAM)
25 shall be stated on the payment instrument;

26 5. Garnishee Setton Pistachio of Terra Bella, Inc., dba Setton Farms shall garnish \$1,402.63
27 of Leon's wages, representing the litigation surcharge, once the judgment balance of \$15,428.89 is
28 satisfied. Garnishee shall pay the litigation surcharge to the United States Department of Justice via a

1 single payment within twenty (20) days of the garnished wages accumulating to the \$1,402.63 surcharge
2 amount.¹

3 6. To make its payment to the Department of Justice, Garnishee Setton Pistachio of Terra
4 Bella, Inc., dba Setton Farms shall deliver a cashier's check, money order or company draft in the sum
5 of \$1,402.63 made payable to the "United States Department of Justice" and mailed overnight to the
6 U.S. Bank Government Lockbox, Attn: DOJ Production Manager/Box 790363, 1005 Convention Plaza,
7 SL-MO-C2G1, St. Louis, MO 63101. The check shall state "CDCS Number 2010A15060" on the face
8 of the check.²

9 7. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
10 case, if necessary; and

11 8. This garnishment shall be terminate when (1) the United States seeks to terminate the
12 writ or (2) when the judgment and litigation surcharge are fully satisfied.

13
14 IT IS SO ORDERED.

15 Dated: December 4, 2019

/s/ Lawrence J. O'Neill
16 UNITED STATES CHIEF DISTRICT JUDGE

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26 _____
27 ¹ The language of this paragraph departs from the language in the Findings and Recommendations (ECF 12) to
correct for instructions related to payment of the surcharge. No substantive changes are required.

28 ² The language of this paragraph departs from the language in the Findings and Recommendations (ECF 12) to
correct for instructions related to payment of the surcharge. No substantive changes are required.