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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOHN CARL OJALA,  
  
Defendant.

No. 1:19-mc-00079-DAD-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND FINAL  
ORDER OF GARNISHMENT

(Doc. No. 8)

DELAWARE CHARTER GUARANTEE  
& TRUST COMPANY DBA PRINCIPAL  
TRUST COMPANY AND PRINCIPAL  
LIFE INSURANCE (and its Successors  
and Assignees),  
Garnishee.

Criminal Case No. 1:16-cr-00197-LJO

On September 27, 2019, the United States filed an Application for Writ of Garnishment (Retirement Accounts) against defendant and judgment debtor John Carl Ojala’s retirement accounts. (Doc. No. 1.) On October 1, 2019, the Clerk issued the Writ of Garnishment (Retirement Accounts). (Doc. No. 3.) On October 7, 2019, the Clerk issued the Clerk’s Notice of Instructions to Judgment Debtor. (Doc. No. 5.) The United States served the Writ and related documents on Delaware Charter Guarantee & Trust Company (the “Garnishee”) and the judgment debtor. (Doc. Nos. 2, 4.)

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1           On October 16, 2019, the Garnishee filed its Acknowledgment of Service and Answer of  
2 Garnishee stating that the Garnishee has in its custody, control or possession the following  
3 property in which the judgment debtor maintains an interest: Qualified Retirement Account –  
4 401(k) Plan with an approximate value of \$14,152.53. (Doc. No. 6.) The United States filed a  
5 request for findings and recommendations and final order of garnishment on October 30, 2019.  
6 (Doc. No. 7.) The United States represented that the judgment debtor still owed a judgment  
7 balance of \$6,450.00. (*Id.* at ¶ 10.) The judgment debtor did not file a claim of exemption to the  
8 proposed garnishment, did not object to the Garnishee’s answer, did not request a hearing, and  
9 did not otherwise object to the United States’ garnishment action.

10           On November 6, 2019, the assigned magistrate judge issued findings and  
11 recommendations, recommending that the United States’ request for final order of garnishment be  
12 granted. (Doc. No. 8.) Those findings and recommendations were served on the parties and  
13 contained notice that any objections thereto were to be filed within fourteen (14) days after  
14 service. (*Id.* at 2; Doc. No. 9.) To date, no objections to the findings and recommendations have  
15 been filed, and the deadline to do so has now passed.

16           In accordance with 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of  
17 the case. Having carefully reviewed the entire file, the court concludes that the findings and  
18 recommendations are supported by the record and by proper analysis.

19           Accordingly:

- 20           1.       The findings and recommendations issued on November 6, 2019 (Doc. No. 8) are  
21                   adopted in full;
- 22           2.       The United States’ request for a final order of garnishment (Doc. No. 7) is granted;
- 23           3.       Within fifteen (15) days from the date of this order, Garnishee Delaware Charter  
24                   Guarantee & Trust Company is directed to pay \$8,031.25 of the funds in the  
25                   accounts held by the Garnishee in which judgment debtor John Carl Ojala has an  
26                   interest as follows: \$6,425.00 shall be paid to the Clerk of Court to satisfy the

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judgment in full and \$1,606.25 shall be withheld for mandatory tax withholdings;<sup>1</sup>


4. Garnishee shall make the payment in the form of a cashier’s check, money order or company draft, made payable to the Clerk of the Court and delivered to the United States District Court, Eastern District of California, 501 I Street, Room 4-200, Sacramento, California 95814. The criminal docket number (1:16-cr-00197-LJO) shall be stated on the payment instrument;

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

6. This is a final order of garnishment. Upon payment and processing of the garnished amount, this writ shall be terminated and the Clerk of the Court shall close the case.

IT IS SO ORDERED.

Dated: December 16, 2019

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On December 13, 2019, the United States filed a “Proposed Order Adopting Findings and Recommendations and Final Order of Garnishment” in which it changes the amount requested to be paid from the original \$8,062.50, (*see* Doc. No. 7 at ¶ 10), to \$8,031.25, (*see* Doc. No. 10 at 2). The reason for this change is unclear, however, the United States indicated in its original Application that “funds . . . may be received soon and applied towards part of the judgment[,]” and the United States would “ensure that any final order issued on this writ will reflect the correct current balance.” (Doc. No. 1 at 2, n.1.) Thus, it appears that additional funds have been applied towards the outstanding judgment balance since the United States’ request on October 30, 2019, (Doc. No. 7), and the Court will employ the amounts requested by the government in the proposed order (Doc. No. 10).