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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 AGUSTIN D. SIMON,

15 Debtor.  
16

17 FARMERS NEW WORLD LIFE  
INSURANCE COMPANY,  
18

19 Garnishee.  
20

Case No. 1:24-MC-00020 SKO

**AMENDED STIPULATION RE: FOR WRIT OF  
CONTINUING GARNISHMENT; ORDER**

Criminal Case No. 1:13-CR-00203 LJO

21 The United States of America and debtor Agustin D. Simon (collectively the Parties) hereby  
22 stipulate to the final resolution of the United States' pending continuing garnishment action as follows:  
23

**RECITALS**

24 1. On February 7, 2024, the United States filed an Application for Writ of Continuing  
25 Garnishment of property located at garnishee Farmers New World Life Insurance Company, in which  
26 Agustin D. Simon has an interest. ECF No. 1.

27 2. Simon acknowledges and understands that the Federal Debt Collection Procedures Act  
28 ("FDCPA") affords him certain rights in a garnishment action. He waives these rights, including service

1 of the writ of garnishment pursuant to 28 U.S.C. § 3205(c)(3); notice of and the right to claim  
2 exemptions and request a hearing as provided in 28 U.S.C. §§ 3202 and 3205(c)(5); and to any other  
3 process to which he may be entitled under the FDCPA.

4 3. The United States seeks to garnish \$73,081.37 to satisfy Agustin D. Simon's outstanding  
5 restitution balance. *Id.*

6 4. On February 7, 2024, the United States files a separate Application for Writ of  
7 Continuing Garnishment of property located at garnishee Jackson National Life Insurance Company in  
8 which Agustin Simon has an interest. *United States v. Simon*, Case No. 2:24-MC-00019 SKO, ECF No.

9 1. The Parties have reached an agreement to resolve that garnishment action whereby the garnishee,  
10 Jackson National Life Insurance Company, will turn over \$45,724.18 to the Clerk of the Court, to be  
11 applied towards Agustin Simon's restitution debt, leaving an outstanding restitution balance of  
12 \$27,357.19 due.

13 5. The Parties have agreed to resolve this garnishment action as set forth below.

14 **STIPULATION**

15 The Parties hereby stipulate and agree as follows:

16 A. The Parties consent to entry of an order approving this Stipulation by a United States  
17 Magistrate Judge; and

18 B. The garnishee, Farmers New World Life Insurance Company, should be ordered to turn  
19 over \$27,357.19 within 14 days of approval of this stipulation;

20 C. That upon verification of receipt of the funds by the clerk of the court, the United States  
21 will immediately move to terminate the writ and release all remaining funds held pursuant to this writ.

1 **FINAL GARNISHMENT ORDER**

2 The Court, having reviewed its files and the Parties' Stipulation re Garnishment (the Stipulation),  
3 and good cause appearing therefrom,

4 IT IS HEREBY ORDERED that:

5 A. The Stipulation is APPROVED and the parties' request for a final garnishment order is  
6 GRANTED;

7 B. Garnishee Farmers New World Life Insurance Company, is ordered to turn over  
8 \$27,357.19 within 14 days of approval of this stipulation. Payment shall be made in the form of a  
9 check, money order, or company draft, made payable to the "Clerk of the Court," and delivered to:

10 Office of the Clerk  
11 501 I Street, Room 4-200  
12 Sacramento, CA 95814

13 The criminal docket number (1:13-CR-00203 LJO) shall be set forth on the payment instrument;

14 C. Upon verification of receipt of the funds by the clerk of the court, the United States will  
15 immediately move to terminate the writ and release all remaining funds held pursuant to this writ;

16 D. Each party shall bear their own costs; and

17 E. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the  
18 case, if necessary.

19  
20 IT IS SO ORDERED.

21 Dated: May 13, 2024

/s/ Sheila K. Oberto  
22 UNITED STATES MAGISTRATE JUDGE