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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZACHARY LEE GLENN,

Plaintiff,

No. CIV S-06-0151 FCD CKD P

vs.

COLE, et al.

Defendants.

ORDER

\_\_\_\_\_ /

On September 17, 2010, plaintiff’s motion for default judgment against defendant Cole was granted, plaintiff was awarded \$1 in nominal damages and awarded \$2,000 in punitive damages. On February 22, 2011, plaintiff filed a document in which he indicates that he has not received payment from defendant Cole. Plaintiff asserts Cole is employed as a correctional officer at High Desert State Prison and requests that the court enter an order for High Desert State Prison to garnish Cole’s wages.<sup>1</sup>

Under Rule 69(a)(1) of the Federal Rules of Civil Procedure, execution of a money judgment is enforced by writ of execution and “[t]he procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with [California

<sup>1</sup> Plaintiff has filed a several other documents complaining that he has not yet received payment from Cole.

1 law], but a federal statute governs to the extent it applies.” California Code of Civil Procedure §  
2 706.010 et seq. concerns procedures attendant to garnishment of wages. California Code of Civil  
3 Procedure § 699.010 et seq. concerns enforcement of money judgments by writ of execution.  
4 The first step in the process for garnishment of wages is for plaintiff to obtain an issued “writ of  
5 execution” from the Clerk of the Court. Plaintiff may do so by completing a writ of execution  
6 (Judicial Counsel of California Form EJ-130) and then sending it to the Clerk of the Court for  
7 issuance. The Clerk will issue the writ and return it to plaintiff if the writ is completed correctly.  
8 At this stage, the court does not enter any order directing that Cole’s wages be garnished.

9           For all the foregoing reasons, IT IS HEREBY ORDERED that plaintiff’s February  
10 22, 2011 “ex parte motion for an order to sanction defendant . . .,” construed as a motion  
11 requesting an order directing High Desert State Prison to garnish the wages of defendant Cole, is  
12 denied.

13 Dated: August 11, 2011

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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