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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CHARLES JOHN TINGLER,
VICTORIA MARIE TINGLER
Defendants.

Civ. No. 2:10-CV-03061-WBS-KJN

**ORDER OF EXPUNGEMENT AND
PERMANENT INJUNCTION**

For the reasons set forth in this court’s Order granting the United States’ Motion for Default Judgment, the court hereby finds as follows:

(1) Defendants have failed to plead or otherwise defend this case. The Court deems them to have admitted the allegations in the United States’ Amended Complaint (Doc. No. 4).

(2) Facts presented in the Declaration of Dean Prodromos clearly show that defendants Charles and Victoria Tingler (“the Tinglers”) have filed UCC Financing statements against an officer of the United States with the Secretary of State for the State of California.

(3) Facts presented in the Declaration of Dean Prodromos demonstrate that he, as an officer of the United States, has no relationship with the Tinglers that would give rise to a legitimate notice of lien. It therefore clearly appears that the lien is frivolous. Furthermore, it clearly appears that the lien was filed solely to retaliate against her for her good-faith efforts to enforce the tax laws against the Tinglers.

(4) Plaintiff has demonstrated that the entry of this injunction is necessary and appropriate to the enforcement of the internal revenue laws. 26 U.S.C. § 7402(a).

(5) In addition, Plaintiff has demonstrated that continued filings of frivolous liens against its officers would cause it irreparable harm, because federal officers who face personal

1 reprisal through encumbrance of their property and damage to their credit record may be unable
2 to enforce the internal revenue laws vigorously and evenhandedly.

3 (6) Furthermore, Plaintiff has demonstrated that it has no adequate remedy at law
4 with respect to future frivolous lien filings, because it would suffer the irreparable harm
5 described above during the time in which it would be required to apply to a court to have the lien
6 filings stricken.

7 (7) The equities weigh in favor of Plaintiff because Defendants have no basis for
8 filing nonconsensual liens against federal officers. Furthermore, an injunction is in the public
9 interest because it will help ensure that federal officers can apply the internal revenue laws free
10 of retaliation and harassment by Defendants.

11 WHEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

12 (1) It is hereby ORDERED that Charles Tingler and Victoria Tingler, as well as any
13 person acting on their behalf, shall be, and hereby is, PERMANENTLY ENJOINED from filing
14 any notices of lien, recording any documents, or otherwise taking any action in the public records
15 which purports to name a federal officer as a debtor, appoint a federal officer as a trustee, or
16 encumber the rights or the property of any federal officer. The injunction in this paragraph shall
17 not apply if Charles Tingler or Victoria Tingler shall first have prior permission to record the
18 document from a United States District Court, which permission shall also be recorded.

19 (2) For the purposes of the preceding paragraph, "federal officer" shall mean any
20 officer, employee, or agent of the United States or any of the agencies of the United States, or any
21 judge, magistrate judge, judicial officer, or judicial employee of the United States, regardless of
22 whether the officer, employee, or agent is named personally, in his or her official capacity, or in
23 any other capacity.

24 (3) The Defendants, Charles Tingler and Victoria Tingler, are cautioned and advised
25 that any violation of this injunction imposed by this Judgment may result in the imposition of
26 appropriate civil or criminal sanctions as well as constituting contempt of court.

27 (4) It is hereby ORDERED that the UCC Financing Statements Filing Numbers
28 10-7220769408 and 10-7220770319 as well as associated "maritime lien" notices, filed by the
Defendant Victoria Tingler with the Secretary of State for the State of California on January 25,


1 2010, are declared NULL, VOID, and of NO LEGAL EFFECT and shall be stricken and
2 permanently EXPUNGED from the records of the Secretary of State for the State of California.

3 (5) It is hereby ORDERED that the UCC Financing Statements Filing Numbers
4 09-72155185, 09-7220758113 and 10-722075962 and associated "maritime lien" notices, filed
5 by the Defendant Charles Tingler with the Secretary of State for the State of California on
6 November 30, 2009, January 25, 2010 and January 25, 2010, respectively, are declared NULL,
7 VOID, and of NO LEGAL EFFECT and shall be stricken and permanently EXPUNGED from
8 the records of the Secretary of State for the State of California.

9 (6) The United States may record this Judgment in the public records as necessary in
10 order to effectuate paragraphs (1) through (5) of this Judgment.

11
12 IT IS SO ORDERED.

13
14 DATED: May 5, 2011

15 
16 WILLIAM B. SHUBB
17 UNITED STATES DISTRICT JUDGE

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21 Presented on March 7, 2011 by:
22 BENJAMIN B. WAGNER
United States Attorney

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