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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
Sacramento Division

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

CHARLES JOHN TINGLER,  
VICTORIA MARIE TINGLER  
  
Defendants.

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

**AMENDED ORDER OF  
EXPUNGEMENT AND PERMANENT  
INJUNCTION**

The United States Motion for Amended Order (Rec. Doc. 24), the motion is GRANTED. This Order supercedes the order of expungement previously issued by the Court on May 6, 2011 (Rec. Doc. 22). For the reasons set forth in the Order (Doc. No. 21) 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

1 appropriate to the enforcement of the internal revenue laws. 26 U.S.C. § 7402(a).

2 (5) In addition, Plaintiff has demonstrated that continued filings of frivolous liens  
3 against its officers would cause it irreparable harm, because federal officers who face personal  
4 reprisal through encumbrance of their property and damage to their credit record may be unable  
5 to enforce the internal revenue laws vigorously and evenhandedly.

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

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

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

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

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

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


1 (4) It is hereby ORDERED that the UCC Financing Statements Filing Numbers  
2 10-7220769408 and 10-7220770319 as well as associated "maritime lien" notices, filed by the  
3 Defendant Victoria Tingler with the Secretary of State for the State of California on January 25,  
4 2010, are declared NULL, VOID, and of NO LEGAL EFFECT and shall be stricken and  
5 permanently EXPUNGED from the records of the Secretary of State for the State of California.

6 (5) It is hereby ORDERED that the UCC Financing Statements Filing Numbers 09-  
7 7195629432, 09-72155185, 10-7220758113 and 10-7220759629 and associated "maritime lien"  
8 notices, filed by the Defendant Charles Tingler with the Secretary of State for the State of  
9 California on May 6, 2009, November 30, 2009, January 25, 2010 and January 25, 2010,  
10 respectively, are declared NULL, VOID, and of NO LEGAL EFFECT and shall be stricken and  
11 permanently EXPUNGED from the records of the Secretary of State for the State of California.

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

14  
15 IT IS SO ORDERED. The hearing date of May 7, 2012 is vacated.

16  
17 DATED: April 2, 2012

18 

19 WILLIAM B. SHUBB  
20 UNITED STATES DISTRICT JUDGE

21  
22 Presented on March 30, 2012 by:

23 /s/ Aaron M. Bailey  
24 AARON M. BAILEY  
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