

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KEVIN DESHAWN KELLY,  
  
Defendant and Judgment Debtor.

---

DESIGN WITHIN REACH,  
  
Garnishee.

MISC. NO.: 2:14MC00009-LKK-CKD  
CASE NO. 2:98CR00316-LKK  
**FINAL ORDER OF GARNISHMENT [WAGES]**

Following its Order filed April 4, 2014, (ECF No. 24), the Court hereby enters its Final Order of Garnishment denying defendant Kevin D. Kelly’s claim of exemption, directing garnishee, Design Within Reach, to pay to the United States a percentage of Defendant’s earnings, and granting the United States’ requested relief as follows:

1. Defendant’s claim of exemption is DENIED.
2. The United States’ application for a continuing writ of garnishment withholding twenty-five percent (25%) of Defendant’s disposable wages, bonuses and other incentive payments earned from garnishee Design Within Reach is GRANTED.

////

1           3. Within fifteen days of this order, Design Within Reach shall PAY to the United States all  
2 funds Design Within Reach previously held pursuant to the writ of garnishment filed January 23, 2014  
3 (ECF No. 4). Along with its payment, Design Within Reach shall provide the United States a written  
4 accounting of the amounts previously withheld from Defendant's compensation.

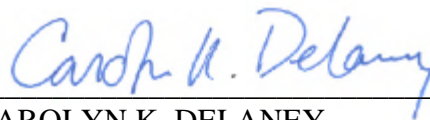
5           4. Design Within Reach will CONTINUE to pay the United States, at least monthly, 25% of  
6 Defendant's disposable wages, bonuses and incentives until the earlier of the judgment being paid in  
7 full, further order of this Court, or Design Within Reach no longer having custody, possession or control  
8 of Defendant's property. Along with its payments, Design Within Reach shall provide the United States  
9 a written accounting of the amounts withheld from Defendant's compensation.

10           5. If the amount or form of Defendant's compensation from Design Within Reach changes while  
11 this Order is in effect, or Design Within Reach no longer has custody, possession or control of  
12 Defendant's property, it will promptly NOTIFY the United States of same and with written notification  
13 to follow within thirty (30) days of any change in Defendant's compensation or work status.

14           6. Within thirty (30) days of April 4, 2014, Defendant shall PROVIDE to the United States a  
15 new, fully completed financial statement with all required attachments.

16           7. Defendant shall ADVISE the Financial Litigation Unit Staff, United States Attorney Office  
17 for the Eastern District of California, of the next time he travels to the Eastern District of California so  
18 that its attorneys may conduct a judgment debtor examination during his travel here.

19  
20 Dated: April 22, 2014



---

CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE