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5 Attorneys for Plaintiff
 6 United States of America

7 IN THE UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
 11 Plaintiff,
 12 v.
 13 SHANIKA BREWER,
 14 Defendant and Judgment Debtor,
 15 _____
 16 GREAT-WEST FINANCIAL,
 17 Garnishee.

Case No.: 2:14-MC-00137-GEB-EFB

**UNOPPOSED APPLICATION FOR FINAL
 ORDER OF GARNISHMENT; AND ORDER
 THEREON (RETIREMENT ACCOUNT)**

Criminal Case. No.: 2:14-CR-00025-MCE

[No Hearing Requested]

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 19 Plaintiff United States respectfully requests, pursuant to Section 3205(c)(7) of the Federal Debt
 20 Collection Procedure Act of 1990, 28 U.S.C. §§ 3001, *et seq.* (the FDCPA), an order garnishing
 21 defendant Shanika Brewer’s retirement account with the Health Plan of San Joaquin (garnishee Great-
 22 West Financial has third party administration and recordkeeping responsibilities over Defendant’s
 23 Health Plan retirement account). Defendant does not oppose this garnishment proceeding.¹ The United
 24 States seeks this Order based on the following grounds:

1. A judgment in criminal case number 2:14-CR-00025-MCE was filed against Defendant

27 _____
 28 ¹ See the attached declaration of Kurt A. Didier, filed and served concurrently herewith.

1 on August 20, 2014. CR ECF No. 26. The Judgment includes an order of restitution in the amount of
2 \$1,248,770.32.

3 2. To collect on the unpaid restitution order, the United States filed an Application for Writ
4 of Garnishment (Retirement Accounts) on November 14, 2014, against Defendant's Health Plan
5 retirement account. Misc. ECF No. 3. The Clerk issued the writ of garnishment the same day. Misc.
6 ECF No. 5.

7 3. The United States served Great-West with the writ and its allied documents, including the
8 garnishee's Acknowledgement of Service and Answer of Garnishee (the Answer) on November 14,
9 2014. Misc. ECF No. 6.

10 4. On November 18, 2014, the United States served Defendant and her spouse with copies
11 of the writ. The service included notice of hearing rights to object to the garnishment, claim exemptions
12 thereto and to object to the garnishee's Answer. Misc. ECF No. 7.

13 5. On December 15, 2014, garnishee Great-West filed its Answer, identifying Defendant's
14 Health Plan retirement account. Misc. ECF No. 9. The Answer states that Defendant maintains a
15 retirement account with an approximate value of \$4,663.65 (subject to day-to-day financial market
16 fluctuations). Great West served copies of its Answer on both the Defendant and her spouse on
17 December 11, 2014. *Id.*

18 6. Defendant does not oppose this garnishment. Her spouse had twenty (20) days from the
19 date he received the writ package to claim exemptions or request a hearing in opposition to this
20 proceeding. 28 U.S.C. § 3202(d). He did not and that time has now expired. Defendant's spouse also
21 had 20 days from the date Great-West filed and served its Answer to object thereto and request a
22 hearing. 28 U.S.C. § 3205(c)(5). He did not, and that time has also now lapsed.

23 7. All conditions to the issuance of a final order of garnishment are satisfied and,
24 accordingly, the Court can and should order the garnishment of Defendant's entire Health Plan account
25 be made payable to the Clerk of the United States District Court for payment to Defendant's victims.

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1 8. Upon the Clerk of the Court's receipt of payment, the United States further requests that
2 the writ of garnishment be terminated pursuant to 28 U.S.C. § 3205(c)(10)(B).

3 Respectfully submitted,

4 BENJAMIN B. WAGNER
5 United States Attorney

6 Dated: July 10, 2015

7 By: /s/ Kurt A. Didier
8 KURT A. DIDIER
9 Assistant United States Attorney

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1 **ORDER**

2 The Court, having reviewed the court files and the United States' Unopposed Application for a
3 Final Order of Garnishment (the Application), and finding good cause therefrom, hereby GRANTS the
4 Application.

5 ACCORDINGLY, the Court hereby ORDERS, ADJUDGES and DECREES as follows:

- 6 1. Defendant Shanika Brewer's Health Plan of San Joaquin retirement account is
7 GARNISHED in its entirety (the Garnished Amount);
- 8 2. Garnishee Great-West Financial shall DELIVER, within fifteen (15) days of the date of this
9 Order, a cashier's check or money order for the Garnished Amount and made payable to the "Clerk of the
10 Court" at the Office of the Clerk, United States District Court, Eastern District of California, 501 I Street,
11 Suite 4-200, Sacramento, California 95814. Great-West shall also state the docket number (Case No.:
12 2:14-CR-00025-MCE) on the payment instrument and, if it desires a payment receipt, shall include a self-
13 addressed, stamped envelope with the payment; and
- 14 3. This is a final order of garnishment; upon payment and processing of the Garnished
15 Amount as ordered above, this writ shall TERMINATE pursuant to 28 U.S.C. § 3205(c)(10)(B).

16 IT IS SO ORDERED.

17 DATED: July 30, 2015.

18 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE