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12
13 IN THE UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Case No.: 2:14-MC-00151-JAM-EFB

17 Plaintiff,

18 v.
19
20 **STIPULATION REGARDING WRIT OF**
21 **GARNISHMENT; AND ORDER THEREON**

22 MARK E. LEUNG,

23 CRIMINAL CASE. NO.: 2:12-CR-00430-JAM

24 Defendant and Judgment Debtor.

25
26 No Hearing Requested

27 BANK OF AMERICA, N.A.,

28 Garnishee.

29
30 The parties stipulate to the resolution of the United States' pending garnishment action against
31 defendant Mark E. Leung's interest in his Bank of America bank account as follows:

32 1. On November 4, 2014, the Court sentenced Defendant in case number 2:12-CR-00430-
33 JAM and ordered him to pay a \$100 special assessment and \$160,821.00 in restitution. CR ECF No. 38.
34 Defendant has paid the \$100 assessment, but not the restitution amount.

35 2. The United States sought, and the Clerk issued a writ of garnishment on December 18,
36 2014 against Defendant's bank accounts at garnishee Bank of America, N.A. Misc. ECF No. 4.

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3. Bank of America filed and served its answer to the writ, stating that it is holding \$176,903.10 in garnished funds from Defendant's bank account (checking account ending in numbers 8157). Misc. ECF No. 7.

4. The parties agree that: the unpaid restitution amount of \$160,821.00 shall be paid in full from Defendant's account No. 8157; and Defendant may regain control of any remaining funds above \$160,821.00 in this account and resume regular banking transactions in this and any other Bank of America accounts upon signature of the accompanying Order.

FOR THE UNITED STATES OF AMERICA:

BENJAMIN B. WAGNER
United States Attorney

Dated: January 6, 2015

/s/ Kurt A. Didier
KURT A. DIDIER
Assistant United States Attorney

FOR THE DEFENDANT AND JUDGMENT DEBTOR MARK E. LEUNG:

Dated: January 6, 2015

/s/ Mark E. Leung
MARK E. LEUNG, an individual, in pro per

ORDER

The Court, having reviewed the court files and the parties' Stipulation Regarding Writ of Garnishment (the Stipulation), and finding good cause therefor, hereby APPROVES the Stipulation.

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

1. The United States' application for an order of garnishment in the amount of \$160,821.00 is GRANTED;

2. Bank of America shall DELIVER, within twenty (20) days of the date of this Order, a cashier's check, money order or company draft in the sum of \$160,821.00 drawn from defendant Mark E. Leung's checking account ending in numbers 8157, and made payable to the "Clerk of the Court" at the Office of the Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200, Sacramento, California 95814. Bank of America shall also state the docket number (Case No.: 2:12-CR-00430-JAM) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope with the payment;

3. Upon the signing of this Order, Bank of America shall RELEASE its hold on any amount exceeding \$160,821.00 in account No. 8157 and on any other Bank of America accounts associated with Defendant Mark E. Leung; and

4. This is a final order of garnishment; upon payment and processing of the garnished amount as ordered above, this writ shall TERMINATE pursuant to 28 U.S.C. § 3205(c)(10)(C).

IT IS SO ORDERED.

DATED: January 7, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE