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7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 HODA SAMUEL,

14 Defendant.

Case No.: 2:15-MC-0016-JAM-KJN

**ORDER**

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16 On March 28, 2016, the court provided the United States with an additional 60 days to file  
17 supplemental briefing with points and authorities informing the court whether it intends to garnish the  
18 corporate accounts at issue at Tri-Counties Bank. (ECF No. 29.) Thereafter, on May 26, 2016, the  
19 United States filed an ex parte application for an order staying the action. (ECF No. 34.) From the  
20 United States' application, it appears that the Samuels filed a Chapter 11 bankruptcy case on March 15,  
21 2016. According to the United States, it had previously argued that the Mandatory Victims Restitution  
22 Act overrides the automatic bankruptcy stay, but, although not entirely clear from its filing, the United  
23 States appears to have changed its position in that regard. At present, the United States requests that the  
24 garnishment action be stayed to allow the recently-appointed Chapter 11 Trustee an opportunity to  
25 administer the bankruptcy estate with all available estate assets.

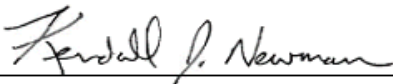
26 Based on the United States' request, and because the Samuels will not be prejudiced by a stay,  
27 the court grants the request to stay the garnishment action. However, given the limited briefing  
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1 provided, the court makes no findings and expresses no opinion regarding the impact, if any, of the  
2 Mandatory Victims Restitution Act on the automatic bankruptcy stay.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The United States' ex parte application to stay the action (ECF No. 34) is GRANTED.
- 5 2. Within 21 days of resolution of the bankruptcy case, the United States shall file either a  
6 request for dismissal of this action or a status report addressing what issues remain to be  
7 adjudicated by this court.

8 Dated: June 1, 2016

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE  
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