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 6 United States

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

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 BRUCE CEARLOCK,
 15 Defendant and Judgment Debtor,
 16
 17 BANK OF AMERICA dba MERRILL
 LYNCH WEALTH MANAGEMENT
 18 Garnishee.

Case No.: 2:15-MC-00028-TLN-KJN
**STIPULATION RE GARNISHMENT;
 AND ORDER THEREON**
 [No Hearing Requested]
 Criminal Case No. 2:11CR00182-TLN

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 20 Plaintiff United States of America and defendant and judgment debtor Bruce Cearlock
 21 (collectively the "Parties"), through their authorized representatives, hereby stipulate to a final resolution
 22 of the United States' pending garnishment action against Mr. Cearlock as follows:

23 1. On March 23, 2015, the United States sought, and the Clerk issued, a writ of garnishment
 24 against Mr. Cearlock's retirement plan administered by Bank of America dba Merrill Lynch Wealth
 25 Management ("Garnishee"). Misc. ECF Nos. 3 and 6, respectively. By its writ, the United States
 26 sought to enforce the restitution order issued by the Court in Mr. Cearlock's sentencing in Case 2:11-
 27 CR-00182-TLN on December 18, 2014 and incorporated in the Judgment filed January 9, 2015. Crim.
 28

1 ECF No. 99. Per the judgment, Mr. Cearlock was ordered to pay \$73,409.72 in restitution plus a \$300
2 assessment and \$2,000 fine. *Id.* The writ of garnishment seeks the payment of \$83,050.69, representing
3 the unpaid restitution, assessment and fine plus a ten percent surcharge on the restitution amount as
4 authorized by 28 U.S.C. §3011(a).

5 3. On or about January 9, 2015, Mr. Cearlock appealed the judgment and sentence imposed
6 in case number 2:11CR00182-TLN to the United States Court of Appeals for the Ninth Circuit, Docket
7 No. 15-100-10 (the “Appeal”). The Appeal is still pending, though Mr. Cearlock intends to dismiss the
8 Appeal.

9 4. The Garnishee served its Acknowledgement and Answer (the “Answer”) to the United
10 States’ writ on March 23, 2015. Misc. ECF No. 9. The Answer states that, as of March 24, 2015, the
11 Garnishee is holding \$72,441.48 in funds Mr. Cearlock maintains in his savings and checking accounts:
12 \$59,733.09 in savings account number ending in numbers 5323; and \$12,708.39 in checking account
13 ending in numbers 2214.

14 5. The Parties agree to resolve this garnishment action in the amount of \$80,000, and to
15 effectuate this agreement, the Parties agree that the Court can and should enter an order:

16 A. Garnishing \$59,000 from Mr. Cearlock’s savings account ending in numbers 5323
17 and directing payment of this amount to the Clerk of the Court;

18 B. Garnishing \$12,000 from Mr. Cearlock’s checking account ending in numbers 2214
19 and directing payment of this amount to the Clerk of the Court;

20 C. Directing Mr. Cearlock to pay \$4,709.92 to the Clerk of the Court via cashier’s check
21 or money order; and

22 D. Directing Mr. Cearlock to pay \$4,290.28 to the United States Department of Justice
23 via cashier’s check or money order.

24 6. The Garnishee shall make the payments set forth in paragraph 5A and 5B, above, within
25 20 days following the filing of the order approving this stipulation. Mr. Cearlock shall make his
26 payments pursuant to paragraphs 5C and 5D, above, within 20 days following the filing of the order
27 approving this stipulation.

28 7. Upon the payment and processing of the garnished amounts set forth above, the:

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A. Garnishee may release the balances of the savings and checking accounts to Mr.

Cearlock; and

B. Court should terminate this writ of garnishment pursuant to 28 U.S.C. §

3205(c)(10)(C) (satisfaction of the debt with respect to which the writ is issued).

Respectfully submitted,

FOR THE UNITED STATES:

BENJAMIN B. WAGNER
United States Attorney

Dated: May 7, 2015

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

FOR BRUCE CEARLOCK:

LAW OFFICES OF PETRA M. REINECKE

Dated: May 7, 2015

By: /s/ Petra M. Reinecke
PETRA M. REINECKE
Attorney for Defendant
BRUCE CEARLOCK

1 **ORDER**

2 The Court, having reviewed the court files and the Parties' Stipulation re Garnishment (the
3 "Stipulation"), and good cause appearing therefrom, hereby APPROVES the Stipulation. Accordingly,
4 IT IS ORDERED that:

5 1. The United States' application for an order of garnishment in the amount of \$71,000 is
6 GRANTED;

7 2. Bank of America shall DELIVER, within twenty (20) days of the filing of this Order, a
8 cashier's check, money order or company draft in the sum of \$71,000 drawn from defendant Bruce
9 Cearlock's bank accounts as follows: \$59,000 from savings account ending in numbers 5323, and \$12,000
10 from checking account ending in numbers 2214, and made payable to the "Clerk of the Court" at the
11 Office of the Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200,
12 Sacramento, California 95814. Bank of America shall also state the docket number (Case No.: 2:11-CR-
13 000182-TLN) on the payment instrument and, if it desires a payment receipt, shall include a self-
14 addressed, stamped envelope with the payment;

15 3. Bruce Cearlock shall DELIVER, within 20 days of the filing of this Order, a cashier's
16 check or money in the amount of \$4,709.92 and made payable to the "Clerk of the Court" at the Office of
17 the Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200,
18 Sacramento, California 95814. Mr. Cearlock shall also state the docket number (Case No.: 2:11-CR-
19 000182-TLN) on the payment instrument and, if he desires a payment receipt, shall include a self-
20 addressed, stamped envelope with the payment;

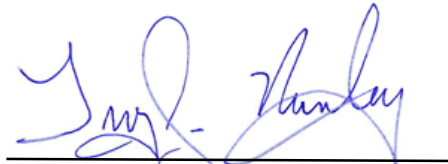
21 4. Bruce Cearlock shall DELIVER, within 20 days of the filing of this Order, a cashier's
22 check or money in the amount of \$4,290.28 and made payable to the "US Department of Justice" at the
23 United States Attorney's Office, 501 I Street, Suite 10-100, Sacramento, California 95814. Mr. Cearlock
24 shall also state the docket number (Case No.: 2:11-CR-000182-TLN) on the payment instrument and, if he
25 desires a payment receipt, shall include a self-addressed, stamped envelope with the payment;

26 5. Upon its payment of the \$71,000 to the Clerk of the Court, Bank of America shall
27 RELEASE its hold on account Nos. 5323 and 2214; and
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1 6. This is a final order of garnishment; upon payment and processing of the amounts as
2 ordered above, this writ shall TERMINATE pursuant to 28 U.S.C. § 3205(c)(10)(C).

3 IT IS SO ORDERED.

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6 Dated: May 12, 2015

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8 Troy L. Nunley
9 United States District Judge
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