

1 McGREGOR W. SCOTT  
 United States Attorney  
 2 PATRICK J. SUTER  
 Assistant United States Attorney  
 3 2500 Tulare Street, Suite 4401  
 Fresno, CA 93721  
 4 Telephone: (559) 497-4000  
 Facsimile: (559) 497-4099  
 5

6 Attorneys for Plaintiff  
 United States of America  
 7

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

11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.  
 14 JOHN BRUCE CLAUER,  
 15 Defendant.  
 16

CASE NO. 2:17-CV-01933-WBS-AC

**STIPULATION RE: PREJUDGMENT WRITS  
 OF GARNISHMENT; AND ORDER THEREON**

17 The parties stipulate to the resolution of the United States' pending prejudgment garnishment  
 18 actions against defendant John Bruce Clauer's ("Defendant") California Department of Corrections  
 19 ("CDCR") inmate trust account and Wells Fargo Bank accounts as follows:

- 20 1. On September 18, 2017, the United States commenced the instant action filing its  
 21 Complaint seeking repayment of VA Disability Benefits overpayments. (DE-1)
- 22 2. Concurrent with filing the complaint in this matter, the United States filed *Ex Parte*  
 23 Applications for Prejudgment Writs of Garnishment seeking funds held by Wells Fargo Bank and in  
 24 Defendant's CDCR inmate trust account. (DE-2)
- 25 3. On September 21, 2017, the Court granted Plaintiff United States' *Ex Parte* Application  
 26 and issued two Prejudgment Writs of Garnishment. (DE-7).
- 27 4. The Clerk of the Court issued the Prejudgment Writs of Garnishment on September 21,  
 28 2017. (DE-8 and 9).

1 5. Following issuance of the Prejudgment Writs of Garnishment by the Clerk of the Court  
2 and upon service thereof, CDCR froze Defendant John Bruce Clauer's inmate trust account located at  
3 Mule Creek State Prison as well as his Wells Fargo Bank accounts.

4 6. CDCR filed and served its answer to the writ, stating that it is holding \$18,455.13 in  
5 Defendant's inmate trust account (DE-12).

6 7. Wells Fargo Bank filed and served its answer to the writ, stating that it is holding  
7 \$52,137.10 in Defendant's bank accounts (DE-13).

8 8. The parties agree that: \$18,455.13 shall be paid from Defendant's inmate trust account  
9 and \$52,137.10 shall be paid from the Defendant's Wells Fargo Bank account Numbers 3677 and 0918  
10 to the United States Department of Justice as repayment for VA benefits overpayment.

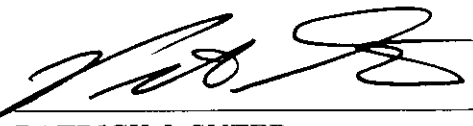
11 9. Once \$70,592.23 is paid to the United States Department of Justice, the Defendant may  
12 regain control of his inmate trust account and his Wells Fargo Bank accounts and the Writs will be  
13 terminated.

14 10. The parties further agree that once the funds described in paragraphs 8 and 9 herein have  
15 been paid to the United States Department of Justice, the United States will dismiss the underlying civil  
16 action (Case No. 2:17-CV-01933-WBS-AC).

17 FOR THE UNITED STATES OF AMERICA:

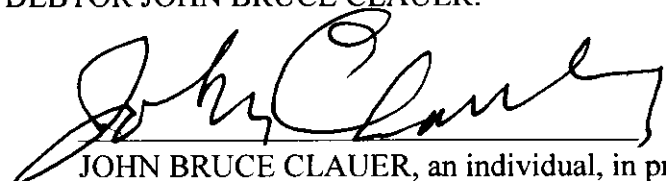
18 McGREGOR W. SCOTT  
19 United States Attorney

20  
21 Dated: 1-17-18

  
22 PATRICK J. SUTER  
23 Assistant United States Attorney

24 FOR THE DEFENDANT AND JUDGMENT DEBTOR JOHN BRUCE CLAUER:

25  
26 Dated: 1/17/18

  
27 JOHN BRUCE CLAUER, an individual, in pro per  
28

**ORDER**

The Court, having reviewed the court files and the parties' Stipulation Regarding Prejudgment 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 \$70,000.00 is GRANTED;

2. California Department of Corrections 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 \$18,000.00 drawn from Defendant's inmate trust account, and made payable to the U.S. Department of Justice and mailed to U.S. Department of Justice, Nationwide Central Intake Facility, P.O. Box 790363, St. Louis, MO 63179-0363. CDCR shall also state the CDCS Number (2016A13439) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope with the payment;

3. Wells Fargo Bank 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 \$52,000.10 drawn from Defendant's checking and saving account ending in numbers 3677 and 0918, and made payable to the United States Department of Justice and mailed to United States Government Lockbox, Attention: DOJ Production Manager/Box 790363, 1005 Convention Plaza, SL-MO-C2GL, St. Louis, Missouri, 63101.

4. Wells Fargo Bank shall also state the CDCS Number (2016A13439) on the payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope with the payment.

5. Upon the signing of this Order, CDCR and Wells Fargo Bank shall RELEASE its hold on any amount exceeding \$18,000.00 in the inmate trust account and \$52,000.00 in account numbers 3677 and 0918 associated with Defendant John Bruce Clauer; and


///  
///  
///  
///

1           6.       This is a final order of prejudgment garnishment; upon payment and processing of the  
2 garnished amount as ordered above, these writs shall TERMINATE pursuant to 28 U.S.C. §  
3           3205(c)(10).

4           7.       IT IS FURTHER ORDERED that upon receipt of the payments described in paragraphs 2  
5 and 3 herein, the United States shall dismiss Case No. 2:17-cV-01933-WBS-AC in its entirety.

6 **IT IS SO ORDERED.**

7 Dated: January 23, 2018

8   
9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE