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

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 VENUS LATRES DAWSON,
15 Defendant and Judgment Debtor,
16
17 TELECOM, INC.,
(and its successors and assigns)
18 Garnishee.

Case No.: 2:17-MC-0042-MCE-KJN
**STIPULATION RE GARNISHMENT;
AND ORDER THEREON**
[No Hearing Requested]
Criminal Case No.: 2:08-CR-00482-LKK

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20 Plaintiff United States and defendant and judgment debtor Venus Latres Dawson (collectively
21 the Parties), hereby stipulate to a final resolution of the United States' pending garnishment action
22 against Ms. Dawson as follows:

- 23 1. On March 9, 2017, the United States sought a writ of garnishment against the wages and
24 other monetary compensation Ms. Dawson earns from her employer Telecom, Inc. Misc. Case ECF No.
25 3. The Clerk of Court issued the requested writ on March 10, 2017. ECF No. 6.
26 2. By its writ, the United States seeks to enforce the criminal monetary penalties the Court
27 imposed against Ms. Dawson in criminal case No. 2:08-CR-00482-LKK. The Court sentenced Ms.
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1 Dawson on September 2, 2009, and ordered her to pay a \$100 statutory assessment and \$52,876.10 in
2 restitution. CR ECF No. 32. The writ of garnishment seeks the amount of \$40,263.53, representing the
3 unpaid restitution balance of \$36,603.21 and a ten percent (10%) litigation surcharge of \$3,660.32 of the
4 unpaid balance as authorized by 28 U.S.C. § 3011(a) of the Federal Debt Collection Procedures Act
5 (FDCPA), 28 U.S.C. § 3001, *et seq.*

6 3. The United States served the writ of garnishment on garnishee Telecom, Inc. on March
7 10, 2017. MC ECF No. 4. Telecom, Inc. served its Acknowledgment and Answer (the Answer) to the
8 United States' writ on March 15, 2017 (MC ECF No. 8), and its Amended Answer on April 5, 2017.
9 MC ECF No. 10. The Amended Answer states that Ms. Dawson receives bi-weekly disposable earnings
10 of \$1,289.48. MC ECF No. 10.

11 4. Telecom, Inc. has been withholding 25% of Ms. Dawson's non-exempt, disposable
12 earnings, wages and bonuses since March 24, 2017. The 25% withholding amount comports with the
13 Consumer Credit Protection Act's 25% garnishment cap on a debtor's non-exempt disposable earnings.
14 15 U.S.C. § 1673(a)(1).

15 5. Following negotiations, the Parties have agreed to a settlement of this garnishment action
16 and request that the Magistrate Judge approve the terms of their agreement as set forth below. The
17 United States and Telecom, Inc. previously filed their consent to jurisdiction of the Magistrate Judge
18 forms (MC ECF Nos. 7 and 9, respectively), and Ms. Dawson hereby consents to the Magistrate Judge's
19 jurisdiction as well. To effectuate her consent, Ms. Dawson warrants that "in accordance with the
20 provisions of Title 28, U.S.C. § 636(c)(1), [she] voluntarily consents to have a United States Magistrate
21 Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct
22 review by the Ninth Circuit Court of Appeals, in the event an appeal is filed."

23 6. To effectuate their settlement, the Parties agree that the Court can and should enter an
24 order as follows:

25 A. Garnishing 25% of Ms. Dawson's non-exempt, disposable bi-weekly Telecom,
26 Inc. bonuses, commissions, earnings, wages (the Garnishable Wages) earned during the period
27 beginning March 24, 2017 and ending April 6, 2017;

28 B. Garnishing 2.5% of Ms. Dawson's bi-weekly Telecom, Inc. Garnishable Wages

1 payable after April 7, 2017 and continuing thereafter until this debt is paid in full or further order of
2 Court; and

3 C. Directing Telecom, Inc. to pay the Garnishable Wages to the Clerk of Court as
4 stated more specifically in the accompanying order.

5 7. This is a continuing writ of garnishment against Ms. Dawson's Telecom, Inc.
6 Garnishable Wages which shall remain in place until further Court order. The Court shall retain
7 jurisdiction to resolve matters through ancillary proceedings in the case, if necessary.

8 Respectfully submitted,

9 FOR THE UNITED STATES:

10 PHILLIP A. TALBERT
11 United States Attorney

12 Dated: April ____, 2017

13 By: _____
14 KURT A. DIDIER
Assistant United States Attorney

15 FOR THE DEFENDANT:

16 Dated: April ____, 2017

17 By: _____
18 VENUS LATRES DAWSON, in pro per

ORDER

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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 a final order of continuing garnishment is GRANTED.

6 2. Telecom, Inc. shall GARNISH 25% of defendant Venus Latres Dawson’s bi-weekly
7 bonuses, commissions, earnings, wages (the Garnishable Wages) earned during the period beginning
8 March 24, 2017, and ending April 6, 2017;

9 3. Beginning on April 7, 2017, Telecom, Inc. shall GARNISH 2.5% of Ms. Dawson’s bi-
10 weekly Garnishable Wages until: the restitution amount is paid in full; further order of this Court; or
11 Telecom, Inc. no longer has custody, possession or control of any property belonging to Ms. Dawson.

12 4. Telecom, Inc. shall DELIVER, within twenty (20) days of the filing of this order, a
13 cashier’s check, money order or company draft in the sum totaling the amounts to be garnished stated
14 above, made payable to the Clerk of Court. Telecom, Inc. shall deliver the payment to the Office of the
15 Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200, Sacramento,
16 California 95814. Telecom, Inc. shall state the docket number (Case No.: 2:08-CR-00482-LKK) on the
17 payment instrument and, if it desires a payment receipt, shall include a self-addressed, stamped envelope
18 with the payment.

19 5. Telecom, Inc. shall also provide the United States a written accounting of the amounts
20 withheld from Ms. Dawson’s payments during the period from service of the writ of garnishment to
21 entry of this final order.

22 6. Following its payment of amount ordered in paragraph 4, above, Telecom, Inc. shall
23 thereafter DELIVER, on a monthly basis, payments to the Clerk of Court consistent with this order.
24 Telecom, Inc. shall NOTIFY the United States, within 30 days, of any change: in the amount of Ms.
25 Dawson’s earnings, wages and bonuses; in her employment status; or affecting Telecom’s status as
26 garnishee under this order.

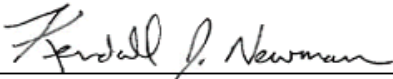
27 7. This is a CONTINUING writ of garnishment against Ms. Dawson’s Garnishable Wages
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1 which shall remain in place until further Court order. The Court RETAINS jurisdiction to resolve
2 matters through ancillary proceedings in the case, if necessary.

3 8. The Clerk of Court shall administratively CLOSE this case.

4 IT IS SO ORDERED.

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6 Dated: April 28, 2017

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9 KENDALL J. NEWMAN
10 UNITED STATES MAGISTRATE JUDGE
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