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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOANN C. NASH,

Defendant,

CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM,

Garnishee.

Case No.: 2:18-MC-00188-MCE-CKD

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND FINAL ORDER
OF CONTINUING GARNISHMENT**

On November 23, 2018, the United States filed an Application for Writ of Continuing Garnishment against defendant and judgment debtor Joann C. Nash. ECF No. 1. The Clerk issued the Writ on December 10, 2018 (ECF No. 2), and the Clerk's Notice of Instructions to Judgment Debtor on December 11, 2018. ECF No. 4.

On January 30, 2019, garnishee California Public Employees' Retirement System filed its Acknowledgement of Service and Answer of Garnishee stating it pays Defendant a monthly retirement benefit. ECF No. 7. Defendant did not file a claim of exemption to the proposed garnishment, did not

1 object to the Garnishee's Answer, did not request a hearing, and did not otherwise object to the United
2 States' garnishment action.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302(c)(7), on August 6, 2019, the Magistrate
4 Judge issued findings and recommendations that the United States' request for final order of continuing
5 garnishment be granted and ordered that any objections were due within fourteen days after service.
6 ECF No. 11. The Court served the findings and recommendations on Defendant on August 6, 2019, at
7 her Sacramento, California address. On August 27, 2019, the United States served the findings and
8 recommendations on Defendant at her Las Vegas, Nevada address. ECF No. 12. To date, no objections
9 have been filed, and the deadline to do so has now passed.

10 In accordance with 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the
11 case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings
12 and recommendations are supported by the record and by proper analysis.

13 Accordingly, IT IS HEREBY ordered that:

- 14 1. The findings and recommendations issued on August 6, 2019 are adopted in full.
- 15 2. The United States' request for a final order of continuing garnishment is granted.
- 16 3. Garnishee California Public Employees' Retirement System (CalPERS) be directed to pay to
17 the Clerk of Court the twenty-five percent (25%) of Defendant Joann C. Nash's monthly
18 non-exempt, disposable retirement payments it has been withholding since December 28,
19 2018 (the Withheld Amount).
- 20 4. CalPERS shall deliver, within twenty (20) days of the filing of an Order Adopting the
21 Findings and Recommendations Granting the United States' Application for a Final Order of
22 Continuing Garnishment, a cashier's check, money order or company draft in the sum of the
23 Withheld Amount, made payable to the Clerk of Court. CalPERS shall also provide the
24 United States a written accounting, by pay period, of the amounts withheld from Defendant's
25 retirement payments during the withholding period.

- 1 5. Following its payment of the Withheld Amount as stated in paragraph 3, above, CalPERS
2 shall thereafter deliver, on a monthly basis, payments to the Clerk of Court in the amount of
3 twenty-five percent (25%) of Defendant's monthly non-exempt, disposable retirement
4 benefits until the earlier of: Defendant's full payment of the judgment amount; further order
5 of this Court; or when CalPERS no longer has custody, possession or control of any property
6 belonging to Defendant.
- 7 6. This is a continuing writ of garnishment against Defendant's CalPERS benefits, which shall
8 remain in place until further court order. The Court shall retain jurisdiction to resolve
9 matters through ancillary proceedings in the case, if necessary.
- 10 7. All payments shall be made payable to the "Clerk of the Court" at the Office of the Clerk,
11 United States District Court, Eastern District of California, 501 I Street, Suite 4-200,
12 Sacramento, California 95814. CalPERS shall also state the docket number
13 (Case No.: 2-10-cr-00051) on the payment instrument, and if it desires a payment receipt,
14 shall include a self-addressed, stamped envelope with the payment.

15 IT IS SO ORDERED.

16 Dated: September 25, 2019

17 
18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE