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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 STEVEN ZINNEL,

15 Debtor.

16
17 TD AMERITRADE CLEARING, INC.,
18 (and its Successors and Assignees)

19 Garnishee.
20

Case No. 2:21-mc-00098 TLN AC

**[PROPOSED] FINDINGS AND
RECOMMENDATIONS FOR FINAL
ORDER OF GARNISHMENT**

Criminal Case No. 2:11-cr-00234-TLN

21 The Court, having reviewed its files and the United States of America's Request for Findings and
22 Recommendations for Final Order of Garnishment, and good cause appearing, hereby recommends that
23 the Court enter a Final Order of Garnishment.

24 Accordingly, IT IS RECOMMENDED that:

25 1. The United States' Request for Findings and Recommendations for Final Order of
26 Garnishment be GRANTED in its entirety;

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1 2. TD Ameritrade Clearing, Inc. (“Garnishee”) be directed to pay the Clerk of the United
2 States District Court \$1,013,056.06 of the funds held by Garnishee in which Debtor has an interest
3 within fifteen (15) days of the filing of the Final Order of Garnishment. Payment shall be made in the
4 form of a cashier’s check, money order, or company draft, made payable to the “Clerk of the Court”, and
5 delivered to:

6 Office of the Clerk
7 501 I St., Rm. 4-200
8 Sacramento, CA 95814

8 The criminal docket number (2:11-cr-00234-TLN) shall be stated on the payment instrument;

9 3. The United States recover a \$150,000.00 litigation surcharge after satisfaction of the
10 \$1,013,056.06 is paid to the United States.

11 4. Garnishee be directed to pay the \$150,000.00 litigation surcharge to the United States
12 Department of Justice via a single payment within fifteen (15) days of the filing of the Final Order of
13 Garnishment and send the payment in the form of a cashier’s check, money order, or company draft
14 made payable to “United States Department of Justice” and delivered to:

15 U.S. Department of Justice
16 Nationwide Central Intake Facility
17 P.O. Box 790363
18 St. Louis, MO 63179-0363

18 “CDCS Number 2015A03982” shall be stated on the face of the payment instrument;

19 5. Garnishee be directed to hold any remaining funds after full payment of \$1,163,056.06
20 has been made to the United States pending further order of this Court;

21 6. Debtor be directed to submit a stipulation and proposed order signed by Debtor and
22 David Zinnel for the disposition of any remaining funds after full payment of \$1,163,056.06 has been
23 made to the United States;

24 7. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
25 case, if necessary; and

26 8. The garnishment shall terminate when Garnishee has paid the \$1,163,056.06 to the
27 United States as directed in paragraphs 2-4 above.

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1 These findings and recommendations are submitted to the United States District Judge assigned
2 to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days, after being
3 served with these findings and recommendations, any party may file written objections with the court
4 and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s
5 Findings and Recommendations.” Failure to file objections within the specified time may waive the
6 right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
7 *v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

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9 Dated: June 13, 2022

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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