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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
THOMAS W. STRINGFELLOW,
Debtor.

Case No. 2:22-MC-00162-JAM-KJN

**FINAL ORDER OF CONTINUING
GARNISHMENT**

Criminal Case No. 2:14-CR-00157-MCE

DIAMOND STAR PAINTING, INC.,
(and its Successors and Assignees)
Garnishee.

On May 20, 2022, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Thomas W. Stringfellow’s (“Debtor”) non-exempt disposable earnings, and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk’s Notice to Debtor. ECF 6. The United States served the Writ and related documents on Diamond Star Painting, Inc. (“Garnishee”) and Debtor. ECF 2 and 3.

On June 7, 2022, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States (“Answer”). ECF 7. In its Answer, Garnishee stated that Thomas W. Stringfellow is an employee of Garnishee and pays earnings to Debtor. ECF 7. Debtor did not file a

1 claim of exemption to the proposed garnishment or request a hearing, did not object to Garnishee's
2 Answer, and did not otherwise object to the United States' garnishment action. *See* Docket.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on August 24, 2022, the Magistrate Judge
4 issued findings and recommendations that recommended that the United States' request for final order of
5 continuing garnishment be granted and ordered that any objections were due within 14 days after
6 service. ECF 9. The United States served the findings and recommendations on Debtor on August 24,
7 2022. ECF 10. Debtor did not object and the time to do so has passed. *See* Docket.

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

11 Accordingly, IT IS HEREBY ORDERED THAT:

12 1. The Findings and Recommendations for Final Order of Continuing Garnishment (ECF 9)
13 are ADOPTED IN FULL;

14 2. Garnishee Diamond Star Painting, Inc. is directed to pay the Clerk of the United States
15 District Court twenty-five percent (25%) of Debtor Thomas W. Stringfellow's ongoing and non-exempt
16 disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses;

17 3. Garnishee Diamond Star Painting, Inc. is directed to pay the Clerk of the United States
18 District Court the amount of non-exempt disposable earnings, including, but not limited to wages,
19 earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of
20 the filing of the Final Order. Payment shall be made in the form of a cashier's check, money order, or
21 company draft, made payable to the "Clerk of the Court" and delivered to:

22 Office of the Clerk
23 501 I St., Rm. 4-200
Sacramento, CA 95814

24 The criminal docket number (2:14-CR-00157-MCE) shall be stated on the payment instrument;

25 4. The United States is entitled to recover a \$67,320.70 litigation surcharge after satisfaction
26 of the judgment amount owed by Debtor Thomas W. Stringfellow. Garnishee shall pay the litigation
27 surcharge to the United States Department of Justice, who will provide payment instructions to the
28 Garnishee concurrently with service of this order;

1 5. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
2 case, if necessary; and

3 6. The garnishment shall terminate when (1) the United States seeks to terminate the writ or
4 (2) when the judgment amount and litigation surcharge are fully satisfied.

5 IT IS SO ORDERED.

6
7
8 DATED: September 15, 2022

/s/ John A. Mendez

THE HONORBLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE