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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 ROBERT KIRBY WELLS,

15 Debtor.

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17 FARMERS INSURANCE
18 FEDERAL CREDIT UNION,

19 Garnishee.
20

Case No. 2:24-mc-00356-WBS-SCR

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

Criminal Case No. 2:21-CR-00164-WBS

21 On September 12, 2024, the United States filed an application for a writ of continuing
22 garnishment concerning property owned by Robert Kirby Wells in the possession, custody, or control of
23 Garnishee Farmers Insurance Federal Credit Union. (ECF No. 1). The writ of garnishment was issued
24 on September 19, 2024. (ECF No. 3). Garnishee filed an answer indicating it has possession, custody,
25 or control of property in which Debtor maintains an interest. (ECF No. 5). Robert Kirby Wells, filed
26 objections and a request for hearing, claiming that the property was subject to three enumerated
27 exemptions and alleged that the United States' application suffered fatal procedural deficiencies. (ECF
28 No. 8). After full briefing and a hearing conducted on November 19, 2024, and having reviewed the

1 arguments of the parties, the undersigned finds that no exemption applies to the funds at issue and that
2 the government followed the procedures required by statute, for reasons explained on the record. The
3 undersigned accordingly recommends that Debtor’s objections be overruled, and the application be
4 granted.

5 Accordingly, IT IS RECOMMENDED that:

6 1. Garnishee Farmers Insurance Federal Credit Union be directed to pay the Clerk of the
7 United States District Court all funds held by Garnishee within fifteen (15) days of the filing of the Final
8 Order. Payment shall be made in the form of a check, money order, or company draft, made payable to
9 the “Clerk of the Court” and delivered to:

10 Office of the Clerk
11 501 I St., Rm. 4-200
Sacramento, CA 95814

12 The criminal docket number (**2:21-CR-00164-WBS**) shall be stated on the payment instrument;

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

15 3. The garnishment shall terminate when the payment is deposited with the Clerk of the
16 Court.

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

24 Dated: March 10, 2025

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26 
27 SEAN C. RIORDAN
28 UNITED STATES MAGISTRATE JUDGE