

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 2:13-cv-00035-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS CANALES,

Defendant.

**FINAL ORDER AND ORDER OF
CONTINUING GARNISHMENT**

THIS MATTER is before the Court on a consent motion by all parties for entry of a Final Order and Judgment [Doc. 4]. The United States of America (“United States”) filed this action against Carlos Canales (“Defendant”) seeking costs, treble damages, and civil penalties pursuant to the False Claims Act, 31 U.S.C. § 3729 *et seq.*

The parties hereto have settled all claims and issues in this matter and have requested the Court to enter Final Order and Judgment in accordance with the stipulations and agreements in their Joint Motion. All parties to this action consent to the entry of this Final Order and Order of Continuing Garnishment, waive any further findings of fact or conclusions of law other than those set forth herein, waive all rights of appeal from this Final Order and Order of Continuing Garnishment and the Judgment in this

case, and agree each to bear their own costs and attorneys' fees related to this action.

WHEREFORE, upon the consent of the parties, **IT IS HEREBY ORDERED, JUDGED, AND DECREED** that:

1. The Court finds that Defendant admits only proper service of the Complaint and summons and the jurisdiction of this Court in this matter and neither admits nor denies any other allegation of the Complaint. The stipulations and agreements in the Joint Motion filed by the parties, the entry of this Final Order, the Judgment in this case, and any act performed in compliance with the terms of such Final Order or Judgment shall not constitute or be construed as an admission by Defendant of a violation of any law, regulation, or policy.
2. The Court further finds that Defendant waives service of an application for a writ of continuing garnishment as required by 28 U.S.C. § 3205, and further waives his right to a hearing under said statute and any other process to which Defendant may be entitled under 28 U.S.C. § 3205, and further waives his right to a hearing under said statute and any other process to which Defendant may be entitled under 28 U.S.C. § 3001, *et seq.*

3. Judgment shall be entered in favor of the United States, and Defendant shall pay to the United States Five Thousand Three Hundred and Ninety-Two Dollars and Thirty-Nine Cents (\$5,392.39).
4. An Order of Continuing Garnishment is hereby entered in the amount of \$5,392.39, which attaches to each *per capita* distribution to Defendant of gaming revenues received by the Eastern Band of Cherokee Indians.
5. Garnishment shall be made as follows: from the first *per capita* distribution occurring after the entry of this Order a payment of Two Thousand Six Hundred and Ninety-Six Dollars and Thirty-Nine Cents (\$2,696.39), and from the second *per capita* distribution occurring after the entry of this Order a payment of Two Thousand Six Hundred and Ninety-Six Dollars (\$2,696.00). Garnishment will continue until \$5,392.39 is paid to the United States or until the garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this Court. See 15 U.S.C. § 1673(a).

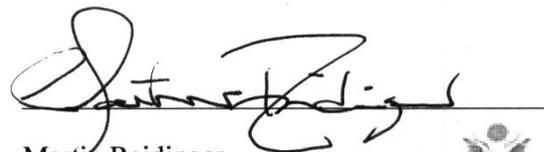
6. Payments shall be made payable to the United States Department of Justice, referencing CDCS # 2014A08411, and delivered to:

United States Attorney
Financial Litigation Unit
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, NC 28202

7. The amount paid pursuant to the order or judgment in this case cannot be discharged in bankruptcy. See 11 U.S.C. § 523(a)(7).
8. The Clerk is directed to enter a judgment in favor of the United States consistent with this Final Order.

IT IS SO ORDERED.

Signed: December 10, 2013


Martin Reidinger
United States District Judge

