

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BILL PIKE,)	
)	CASE NO. 4:17CV1131
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
RICHARD SCHUMM, <i>et al.</i> ,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	[Resolving ECF No. 3]

Pending is the United States Social Security Administration's Motion to Vacate Garnishment Order ([ECF No. 3](#)), filed on June 23, 2017. The Court has been advised, having reviewed the record, the motion, and the applicable law. The Court has also considered the statements of counsel and the parties offered on the record during the Telephonic Case Management Conference held on July 24, 2017. For the reasons set forth below, the motion is granted.

On April 7, 2017, the Girard Municipal Court entered a "Court Order and Notice of Garnishment" against the "Social Security Office" to access the social security benefits of Defendants-Judgment Debtors Richard Schumm and Patty Pepper. [ECF No. 3-4](#). The Social Security Office of General Counsel received the Affidavit, Order and Notice of Garnishment on May 2, 2017. On May 31, 2017, the United States Social Security Administration filed a Notice of Removal to the United States District Court for the Northern District of Ohio pursuant to [28 U.S.C. § 1442\(a\)](#).

(4:15CV2591)

The Social Security Administration argues that as an agency of the United States government, it is entitled to the protections of sovereign immunity. *See, e.g., Whittle v. United States*, 7 F.3d 1259, 1262 (6th Cir. 1993). The immunity bar is jurisdictional in nature, such that a court lacks jurisdiction to consider a lawsuit against the United States unless it has consented to suit. *See United States v. Mitchell*, 463 U.S. 206, 212 (1983). Unless the United States expressly waives this immunity, a court will lack subject-matter jurisdiction over the claim. *See Dep't of the Army v. Blue Fox, Inc.*, 525 U.S. 255, 260 (1999); *United States v. Mitchell*, 445 U.S. 535, 538 (1980). The Social Security Administration has not enacted a waiver of sovereign immunity that would allow a municipal court to enter a garnishment order against the agency in order to execute on a civil judgment in a landlord-tenant dispute.

The United States Social Security Administration's Motion to Vacate Garnishment Order ([ECF No. 3](#)) is granted without opposition. The Girard Municipal Court's "Court Order and Notice of Garnishment" against the "Social Security Office" ([ECF No. 3-4](#)) is vacated for lack of subject-matter jurisdiction.

IT IS SO ORDERED.

July 27, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge