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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	No. CV-00-317-CI
Plaintiff,	)	
	)	REPORT AND RECOMMENDATION TO
v.	)	GRANT MOTION FOR JUDGMENT ON
	)	ANSWER
MICHAEL B. SCHINDLER,	)	
	)	
Defendant,	)	
	)	
and	)	
	)	
JENSEN DISTRIBUTION SERVICES,	)	
	)	
Garnishee.	)	

BEFORE THE COURT on Report and Recommendation is Plaintiff's Motion for Judgment on Answer and Order to Pay. (Ct. Rec. 25.) Assistant United States Attorney Rolf Tangvald represents Plaintiff; there has been no appearance by Defendant.

On September 19, 2005, the court denied with leave to renew the instant Motion pending additional documentation of service of the applicable pleadings on the debtor. (Ct. Rec. 26.) Plaintiff has since filed additional documentation demonstrating abode service by certified mail of the appropriate pleadings on Defendant. (Ct. Rec. 27.) Accordingly,

**IT IS RECOMMENDED** that Plaintiff's Motion (**Ct. Rec. 25**) be granted, the Garnishee be directed to pay 25% of Defendant's nonexempt disposable earnings to Plaintiff, and the garnishment payments continue until the debt to Plaintiff is paid in full or

1 until the Garnishee no longer has custody, possession or control of  
2 any property belonging to the debtor or until further order of this  
3 court. The check shall be made payable to the DEPARTMENT OF JUSTICE  
4 and mailed to: United States Attorney's Office, P.O. Box 1494,  
5 Spokane, WA 99210-1494.

#### 6 **OBJECTIONS**

7 Any party may object to a magistrate judge's proposed findings,  
8 recommendations or report within ten (10) days following service  
9 with a copy thereof. Such party shall file written objections with  
10 the Clerk of the Court and serve objections on all parties,  
11 specifically identifying any the portions to which objection is  
12 being made, and the basis therefor. Any response to the objection  
13 shall be filed within ten (10) days after receipt of the objection.  
14 Attention is directed to Fed. R. Civ. P. 6(e), which adds another  
15 three (3) days from the date of mailing if service is by mail.

16 A district judge will make a de novo determination of those  
17 portions to which objection is made and may accept, reject, or  
18 modify the magistrate judge's determination. The judge need not  
19 conduct a new hearing or hear arguments and may consider the  
20 magistrate judge's record and make an independent determination  
21 thereon. The judge may, but is not required to, accept or consider  
22 additional evidence, or may recommit the matter to the magistrate  
23 judge with instructions. *United States v. Howell*, 231 F.3d 615, 621  
24 (9<sup>th</sup> Cir. 2000); 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P.  
25 73; LMR 4, Local Rules for the Eastern District of Washington.

26 A magistrate judge's recommendation cannot be appealed to a  
27 court of appeals; only the district judge's order or judgment can be  
28 appealed.

1 The District Court Executive is directed to file this Report  
2 and Recommendation and provide copies to Plaintiff, Defendant, and  
3 Garnishee and the referring district judge.

4 DATED November 2, 2005.

5  
6 S/ CYNTHIA IMBROGNO  
7 UNITED STATES MAGISTRATE JUDGE  
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