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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	CASE NO. C16-1715 RSM
Plaintiff,)	
)	(Previously 2:16-MC-00054-RSL)
v.)	
)	ORDER GRANTING MOTION TO ISSUE
RICHARD ALAN DYSON,)	CONTINUING GARNISHEE ORDER
)	
Defendant/Judgment Debtor,)	
)	
and)	
)	
THE BOEING COMPANY,)	
)	
Garnishee.)	
_____)	

This matter comes before the Court on Plaintiff United States of America’s Motion to Issue Continuing Garnishee Order. Dkt. #7.

On April 28, 2016, the Government filed an Application for Writ of Continuing Garnishment against Defendant Richard Alan Dyson to enforce the judgment entered in *United States v. Richard Alan Dyson*, Case No. 2:15-CR-0027-001. Dkt. #1. The Government argued that garnishee The Boeing Company owes or will owe money to Mr. Dyson as part of a retirement account. *See id.*; Dkt. #7. On May 19, 2016, this Court issued the requested Writ of Continuing Garnishment. Dkt. #2. On September 14, 2016, Boeing submitted a Form Answer

1 indicating that Defendant will receive retirement benefits in the amount of \$109.74 per month
2 at age 63 and \$124.71 at age 65. Dkt. #6 at 3. On October 25, 2016, the Government filed the
3 instant Motion requesting that the Court direct Boeing to pay the entire amount, less tax
4 withholding, of Mr. Dyson's non-exempt property from any and all accounts in Boeing's
5 possession, custody, or control as soon as Mr. Dyson becomes eligible to withdraw or receive
6 payment, and the non-exempt portion of every monthly retirement payment. Dkt #7 at 2. This
7 Motion was noted for consideration on November 11, 2016. On November 3, 2016, Defendant
8 filed a handwritten letter indicating that he was detained in a federal facility with a release date
9 of January 9, 2017. Dkt. #9 at 1. Mr. Dyson requested that "this hearing" be rescheduled for
10 April of 2017 so that he can retain an attorney "to properly represent Richard A. Dyson's due
11 process rights." Dkt. #9 at 2. On November 4, 2016, this case, originally assigned to the
12 Honorable Robert L. Lasnik, was assigned civil case number 16-cv-1715-RSM and reassigned
13 to the Honorable Ricardo S. Martinez. *See* Docket.

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16 On November 15, 2016, the Court issued an Order to Show Cause directing both the
17 Government and Defendant Richard Alan Dyson to respond. Dkt. #10. The Government
18 proposed this Motion be renoted for April 7, 2017, thus allowing Mr. Dyson or his lawyer until
19 Monday, April 3, 2017 to file a Response brief. Dkt. #12-1. The Court agreed and renoted this
20 Motion. Dkt. #14.

21
22 On April 3, 2017, Mr. Dyson filed a "Motion to Withdraw His Objection(s) to
23 Garnishment on Condition(s)." Dkt. #15. Mr. Dyson states that he was unable to retain
24 counsel, but "has come to the conclusion that this form of repayment of his ordered restitution
25 will prove to be adequate and convenient for the defendant and the Social Security
26 Administration at the same time satisfying the government's request in judgment." *Id.* at 2.
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1 However, Mr. Dyson attempts to submit a “condition” for his motion to withdraw objections,
2 specifically that the Government agree it “will not seek any further portion(s) of the
3 defendant’s living expenses or future wages unless they exceed \$2,500.00 per month at which
4 time the defendant will agree to a review...” *Id.* at 2-3. Mr. Dyson submits this condition
5 based on financial hardship. *Id.*

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7 On April 6, 2017, the Government filed a “Reply” arguing that Mr. Dyson’s Motion
8 should be considered a Response to the instant Motion to Issue Continuing Garnishee Order.
9 Dkt. #16 at 1. The Government argues that financial hardship is not a valid objection to
10 garnishment. *Id.* at 2 (citing 28 U.S.C. § 3202(d)(1)-(2); *United States v. Lawrence*, 538 F.
11 Supp. 2d 1188, 1194 (D.S.D. 2008); *United States v. Skeins*, No. C14-1457-JLR, 2014 WL
12 5324880 at *3 (W.D. Wash. Oct. 17, 2014)). The Government details other available methods
13 to recoup the funds Mr. Dyson owes in restitution. *Id.* at 3. The Government argues Mr.
14 Dyson offers no authority supporting his “request to strip the United States of its ability to
15 collect via the Treasury Offset Program, the Social Security Administration’s recoupment
16 regulations, or any other legally authorized method.” *Id.* at 4.

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19 As an initial matter, the Court will consider Mr. Dyson’s April 3, 2017, “Motion to
20 Withdraw Objections” as a Response to the instant Motion to Issue Continuing Garnishee
21 Order given the procedural background of this case. Mr. Dyson’s Response was due on April
22 3, 2017, and Mr. Dyson’s Motion effectively is a Response. Turning to the substance of the
23 instant Motion, the Court concludes that the Government’s proposed Continuing Garnishee
24 Order should be entered as drafted without Mr. Dyson’s proposed condition. Mr. Dyson fails
25 to convince the Court that he has any legal authority for requesting his proposed condition.
26

27 IT IS THEREFORE ORDERED as follows:
28

1 (1) The Government's Motion to Issue Continuing Garnishee Order (Dkt. #7) is
2 GRANTED. The Garnishee, The Boeing Company, shall pay to the United States
3 District Court for the Western District of Washington, all non-exempt property
4 within the Garnishee's possession, custody, or control, in which the Defendant
5 maintains an interest and meets the requirements to withdraw, to be applied towards
6 the Defendant/Judgment Debtor's criminal restitution judgment. Such amounts will
7 include the non-exempt portion of Mr. Dyson's monthly Boeing Company
8 Employee Defined Benefit Retirement Plan benefits (less federal tax withholdings
9 paid to the Internal Revenue Service), when he becomes eligible to receive his
10 retirement benefits from The Boeing Company;

11
12 such payments shall be applied to Defendant/Judgment Debtor Dyson's outstanding
13 obligation, by the United States District Court for the Western District of
14 Washington; and

15
16 the payments shall be made payable to the United States District Court, Western
17 District of Washington, referencing Case Nos. 2:15-CR-00027-001 and 2:16-MC-
18 00054-RSL, and delivered either personally or by First Class Mail to:

19
20 United States District Court, Western District of Washington
21 Attn: Financial Clerk – Lobby Level
22 700 Stewart Street
23 Seattle, Washington 98101

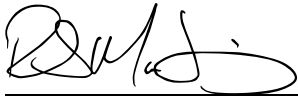
24 (2) Defendant Dyson's Motion to Withdraw Objections (Dkt. #15) is considered a
25 Response and will be REMOVED from the Court's Motion Calendar.

26 (3) The Clerk shall send a copy of this Order to Defendant at:

27 Richard Alan Dyson
28 4311 South 321st Street
Auburn, WA 98001

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DATED this 10 day of April, 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE