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Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00222 SOM 01
)	MC. NO. 13-00068 SOM KSC
Plaintiff,)	
)	FINDINGS AND RECOMMENDATION TO
v.)	DISMISS ACTION
)	
JOHN CERIZO,)	
)	
Defendant,)	
)	
_____)	
)	
STATE OF HAWAII, DEPARTMENT)	
OF BUDGET AND FINANCE,)	
UNCLAIMED PROPERTY PROGRAM,)	
)	
Garnishee.)	
_____)	

FINDINGS AND RECOMMENDATION TO DISMISS ACTION

On March 5, 2013, Plaintiff UNITED STATES OF AMERICA ("Plaintiff") filed an 1) Application For Writ Of Garnishment as to property held by Garnishee STATE OF HAWAII, DEPARTMENT OF

BUDGET AND FINANCE, UNCLAIMED PROPERTY PROGRAM ("Garnishee") in which Defendant/Judgment Debtor JOHN CERIZO ("Defendant") had a substantial nonexempt interest ("Application For Writ of Garnishment") and 2) Clerk's Notice of Post-Judgment Garnishment and Instructions to Defendant-Judgment Debtor; Request For Hearing Form; Notice To Defendant-Judgment Debtor On How To Claim Exemptions; Claim For Exemption Form ("Clerk's Notice of Post-Judgment Garnishment").

The Application For Writ of Garnishment and Clerk's Notice of Post-Judgment Garnishment were served on Defendant via certified mail on March 11, 2013 and via personal service on March 18, 2013.

On or about March 18, 2013, Defendant filed a Request For Hearing Form but did not attach the Claim For Exemption Form that was provided to him.

On March 28, 2013, Garnishee filed an Answer of the Garnishee Form stating that it held approximately \$2,417.95 in funds in which Defendant held an interest.

A Hearing was held on April 29, 2013, with Assistant United States Attorney Edric M. Ching appearing on behalf of Plaintiff and Daisy Hartfield, Esq. making a special appearance on behalf of Defendant, who was present.

At the hearing, Defendant's counsel acknowledged that Defendant had no legal basis for objecting to the issuance of a

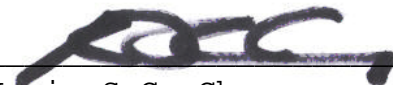
Garnishee Order for the above-referenced funds held by Garnishee but asked for leniency and provided argument for consideration. The Court found that Defendant failed to establish a reasonable basis for leniency.

In accordance with the foregoing, this Court RECOMMENDS that the request for hearing in connection with a request for leniency be denied.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, May 10, 2013.




Kevin S.C. Chang
United States Magistrate Judge

APPROVED AS TO FORM AND CONTENT:

/s/ Daisy Hartsfield

DAISY HARTSFIELD
Attorney for Defendant John Cerizo

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UNITED STATES OF AMERICA v. JOHN CERIZO; FINDINGS AND
RECOMMENDATION TO DISMISS ACTION