

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | : |                        |
|                           | : | CRIMINAL ACTION        |
| v.                        | : | NO: 1:21-CR-206-01-JPB |
|                           | : |                        |
| ANDRE LEE GAINES,         | : |                        |
| Defendant,                | : |                        |
| and                       | : |                        |
|                           | : |                        |
| MORGAN & MORGAN,          | : |                        |
| Garnishee.                | : |                        |

MOTION FOR ENTRY OF FINAL DISPOSITION ORDER ON GARNISHMENT  
AS TO DEFENDANT ANDRE LEE GAINES AND GARNISHEE MORGAN &  
MORGAN

The United States of America respectfully requests that the Court enter the Final Disposition Order on Garnishment in this matter pursuant to 28 U.S.C. § 3205(c)(7) with respect to Defendant Andre Lee Gaines, (“Defendant”) and Garnishee Morgan & Morgan, (“Garnishee”). In support of this motion, the United States asserts the following:

1. This matter involves a garnishment proceeding initiated by the United States to recover a restitution debt owed by Defendant pursuant to the Court’s judgment in this case.

2. A judgment balance of \$762,564.57 remains outstanding as of August 2, 2023.

3. On June 22, 2023, the United States filed an Application for Writ of Garnishment seeking property of Defendant in the possession of the Garnishee, including, specifically accounts belonging to Defendant. The Clerk of Court, through one of his deputies, duly issued the Writ of Continuing Garnishment, which was served upon Garnishee on June 6, 2023. [Doc. 23.]

4. After receiving the Writ of Continuing Garnishment, Garnishee filed an answer stating that it had in its possession property belonging to Defendant, namely settlement funds valued at \$12,812.14. [Doc. 22.]

5. As reflected in the return of service filed on August 4, 2023, Defendant was served with a copy of the writ and notified of the statutory right to request a hearing on exempt property pursuant to 28 U.S.C. § 3202(b), and of the statutory right to object to Garnishee's answer pursuant to 28 U.S.C. § 3205(c)(5). [Doc. 24.]

6. Section 3205(c)(7) of Title 28 of the United States Code states:

After the garnishee files an answer and if no hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's non-exempt interest in such property. If a hearing is timely requested, the order shall be entered within 5 days after the hearing, or as soon thereafter as is practicable.

7. Defendant has not requested a hearing or objected to the garnishment. Therefore, entry of the disposition order is appropriate.

WHEREFORE, all conditions to the issuance of a Final Disposition Order in Garnishment against the property of Defendant which is in the possession of Garnishee are fully satisfied. Therefore, the United States requests that the court issue a Final Disposition Order in Garnishment directing Garnishee to turn over the identified property of Defendant up to the sum of \$762,564.57 to the Clerk of Court for the Northern District of Georgia for application to the judgment debt of Defendant.

Respectfully submitted,

RYAN K. BUCHANAN  
UNITED STATES ATTORNEY

/s/Vivieon Kelly Jones  
VIVIEON K. JONES  
Assistant United States Attorney  
Georgia Bar No. 143033  
600 United States Courthouse  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303  
Phone: (404) 581-6312  
Fax: (404) 581-6167  
vivieon.jones@usdoj.gov

### **CERTIFICATE OF SERVICE**

This is to certify that I have this day electronically filed the within and foregoing Motion for Entry of Final Disposition Order on Garnishment and Brief in Support, and Proposed Order with the Clerk of Court using the CM/ECF system and that I have served the following non-CM/ECF participant(s) by depositing a copy of the same in the United States mail addressed as follows:

Morgan & Morgan PLLC  
Attn: Gregory Johnson, Esq.  
408 12th St., Suite 200  
Columbus, GA 31901

I further certify that I have served Andre Lee Gaines by United States mail, postage pre-paid at his address of record.

This 24th day of August, 2023

/s/Vivieon K. Jones  
VIVIEON K. JONES  
ASSISTANT UNITED STATES ATTORNEY  
vivieon.jones@usdoj.gov