

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 21-10073-EFM

MICHAEL R. CAPPS,

Defendant.

ORDER

This matter comes before the Court on the Government's Motion for Garnishee Order (Doc. 230). In this motion, the Government moves the Court for a Garnishee Order directing Security 1st Title to immediately liquidate and pay over property of Defendant Michael Capps to the United States. The Government asserts that all claims for exemption, requests for hearing, objections, and other matters relating to the Writ of Continuing Garnishment have been resolved by the Court.

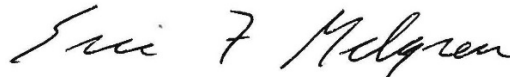
Since the Government filed this motion, however, circumstances have changed. Claimant Charles Capps filed a motion for reconsideration of the Court's ruling on the garnishment proceedings. In addition, Defendant Capps filed an appeal with the Tenth Circuit Court of Appeals as to the Court's Order relating to the garnishment proceedings. The Tenth Circuit abated the appeal pending the Court's ruling on Claimant's motion for reconsideration. The Court recently

denied Claimant's motion for reconsideration, and thus Defendant Capps's appeal may now proceed. Because the garnishment issues are on appeal, the Court concludes that a garnishee order is not appropriate at this time. Thus, the Court denies the Government's motion without prejudice to refiling.

IT IS THEREFORE ORDERED that the Government's Motion for Garnishee Order (Doc. 230) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 23rd day of January, 2025.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is fluid and cursive, with the first name "Eric" and last name "Mulgren" clearly legible.

ERIC F. MELGREN
CHIEF UNITED STATES DISTRICT JUDGE