

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-20003-JWL
	)	
ROBERT HOLCOMB,	)	
	)	
Defendant.	)	

**ORDER**

The pro se defendant, Robert Holcomb, has filed a motion requesting the immediate release of \$2592.90 from the government's writ of garnishment (**doc. 64**). The presiding U.S. District Judge, John W. Lungstrum, referred this matter to the undersigned U.S. Magistrate Judge, James P. O'Hara (doc. 65). For the reasons discussed below, Mr. Holcomb's motion is granted.

On October 26, 2012, the undersigned issued a report and recommendation (doc. 62) denying Mr. Holcomb's objections to the writ of garnishment directed to Judy Yates. As set forth in the report and recommendation, Mr. Holcomb will retain \$2592.90 in inheritance funds over and above the amount of restitution and penalties due.<sup>1</sup>

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<sup>1</sup> Mr. Holcomb has a beneficial interest in the estate of James M. Yates, valued at approximately \$10,350.90. He owes \$7758 in restitution and penalties as part of the judgment entered against him for violating 18 U.S.C. § 2113(a). Both the government and Mr. Holcomb acknowledge that he will retain \$2592.90 above the amount garnished.

Although Judge Lungstrum has not yet ruled on the report and recommendation, the funds Mr. Holcomb seeks for release are not in controversy. Accordingly, the government shall immediately release \$2592.90 from the writ of garnishment.

IT IS SO ORDERED.

Dated November 5, 2012, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U. S. Magistrate Judge