

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

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vs.

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RON MCCLAIN,
Defendant,

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CASE NO. 4:15-CR-21 (CDL)

and

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AMIRCANI LAW, LLC,
Garnishee.

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O R D E R

After Garnishee deposited garnished funds into the Court's registry, the Court issued an order requiring that any entity claiming an interest in the funds must file a motion for disbursement. Order (Mar. 30, 2023), ECF No. 318. The Clerk mailed a copy of the order to the entities listed in the notice of interested parties. The motions for disbursement were due by April 20, 2023. Only the Government filed a motion for disbursement (ECF No. 323). Any response was due by May 3, 2023. No one responded to the Government's motion.

The Court issued an order granting the Government's motion for disbursement. Order (May 5, 2023), ECF No. 324. The Court explained that the Government has a restitution lien that arose on September 9, 2016, the date the judgment was entered against Ron McClain in this action. See 18 U.S.C. § 3613(c) (stating that a

fine imposed pursuant to a restitution order under 18 U.S.C. § 3664 gives rise to a lien on a defendant's property that arises on the date of judgment). The lien was recorded in the Superior Court of DeKalb County on October 6, 2016. Upon filing of the notice of the lien, the lien became "valid against any purchaser, holder of a security interest, mechanic's lienor or judgment lien creditor"—except limited exceptions. 18 U.S.C. § 3613(d).

On May 23, 2023—more than a month after the deadline for motions for disbursement and more than two weeks after the Court entered its order directing that the funds be disbursed to the Government, Georgetown Clinics filed a motion for disbursement of \$4,785.00. Georgetown Clinics represents that Defendant McClain has an open balance of \$4,785.00 for services rendered in January 2020. But Georgetown Clinics did not provide any basis for the Court to reconsider its previous ruling that ordered disbursement to the Government based on the 2016 lien. Georgetown Clinics' motion for disbursement (ECF No. 325) is therefore denied.

IT IS SO ORDERED, this _23rd day of May, 2023.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA