

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 1:12-cv-00113-JAW
)
 GREGORY HARRIMAN,)
 KATHRYN HARRIMAN, and)
 UNKNOWN OCCUPANTS of)
 207 Burnham Road, Troy, Maine,)
)
 Defendants.)

**ORDER ON DEFENDANTS' MOTION FOR HEARING AND TO STAY
DISPOSITION PURSUANT TO 28 U.S.C. §§ 3013 AND 3014**

Facing imminent eviction, on May 4, 2015, Gregory and Kathryn Harriman filed a motion for hearing and to stay disposition of an Execution of Ejectment on the ground that their real property is exempt under 28 U.S.C. §§ 3013 and 3014. *Mot. for Hr'g and Stay of Disposition Pursuant to 28 U.S.C. [§§] 3013, 3014* (ECF No. 44). The asserted basis for the requested relief is that because their property is exempt under 28 U.S.C. §§ 3013 and 3014, the Government has no right to take possession of it. *Id.* at 1-2.

The Government responded later on May 4, 2015. *Resp. to Defs.' Mot. for Hr'g and to Stay Disposition Pursuant to 28 U.S.C. §§ 3013 and 3014* (ECF No. 45). The Government says that the Harrimans' property is not exempt. *Id.* at 1-3. It notes that §§ 3013 and 3014 are part of the Federal Debt Collection Procedures Act (FDCPA), which is not applicable to the Harrimans' case because the Government is

not seeking “to recover a judgment on a debt” or “to obtain, before judgment on a claim for a debt, a remedy in connection with such claim” pursuant to the FDCPA. *Id.* at 1-2. Instead, the Government says that the pending civil action is to obtain possession of the land from the Defendants and to eject them, and it has not sought to collect a deficiency judgment against the Defendants. *Id.* at 2. Finally, to the extent the Harrimans are claiming a right to the property, the Government points out that the United States purchased the property at a public sale on February 11, 2011, thereby concluding the foreclosure proceedings. *Id.* at 3 (citing *United States v. Harriman*, 1:09-cv-00348-JAW, *Marshal’s Report of Sale* (ECF No. 29)).

The Court agrees with the Government. The provisions of the FDCPA do not come into play in this case. The Government’s action is for ejectment, not for debt collection, and, in any event, the Harrimans may not claim an exemption for property they do not own.

The Court DENIES the Defendants’ Motion for Hearing and Stay of Disposition Pursuant to 28 U.S.C. [§§] 3013, 3014 (ECF No. 44).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 4th day of May, 2015

Plaintiff

USA

represented by **ANDREW K. LIZOTTE**
U.S. ATTORNEY'S OFFICE
DISTRICT OF MAINE
100 MIDDLE STREET PLAZA
PORTLAND, ME 04101
(207) 771-3246
Fax: (207) 780-3304
Email: andrew.lizotte@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MICHAEL T. MCCORMACK
U.S. ATTORNEY DISTRICT OF
NEW HAMPSHIRE
FEDERAL BUILDING
53 PLEASANT STREET
4TH FLOOR
CONCORD, NH 03301
603-225-1552
Email:
michael.mccormack2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

GREGORY HARRIMAN

represented by **GREGORY HARRIMAN**
207 BURNHAM ROAD
TROY, ME 04987
PRO SE

Defendant

KATHRYN HARRIMAN

represented by **KATHRYN HARRIMAN**
207 BURNHAM ROAD
TROY, ME 04987
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Defendant

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