

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-20751-CR-COOKE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MYRIAM ACEVEDO,

Defendant.

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION FOR
TEMPORARY SUSPENSION OF SOCIAL SECURITY BENEFITS DEDUCTION
PURSUANT TO THE TREASURY OFFSET PROGRAM**

Plaintiff, the United States of America, by and through the undersigned Assistant United States Attorney, hereby responds to Defendant’s motion to temporarily suspend the deduction of Social Security benefits pursuant to the Treasury Offset Program.

Defendant erroneously requests that this Court enter an order to “direct the U.S. Probation Office to inform the Social Security Department to suspend collection of the restitution.” (D.E. 449 at ¶6).

In enforcing the criminal restitution judgment, as tasked by this Court in the Defendant’s sentencing judgment (D.E. 384, pg. 5), the U.S. Attorney’s Office¹ – not the U.S. Probation Office – placed the Defendant on the Treasury Offset Program (TOP), 31 C.F.R. § 3701, *et seq.*, as it normally does with defendants who have an outstanding criminal restitution/fine judgment.

¹ Drew Bradylyons is a government attorney in Washington, DC – not an Assistant United States Attorney in the Southern District of Florida.

Moreover, it is the U.S. Department of the Treasury – not the Social Security Administration – that offsets the defendant’s federal benefits when there is an outstanding restitution judgment.

On March 26, 2020, the U.S. Department of the Treasury exempted the Social Security Administration's (SSA) benefit payments from offset due to the Coronavirus Disease (Covid-19). This exemption remains in effect through September 21, 2020. During this time, SSA benefit payments will not be offset.

WHEREFORE, based on the foregoing, the United States of America, respectfully submits that Defendant’s motion should be denied without prejudice.

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 16, 2020, I electronically filed and served the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Vivian Rosado
Vivian Rosado
Assistant U.S. Attorney