

September 18, 2006

Clerk of the United States Court
Room 309, 100 Otis Street
Asheville, NC 28801

FILED
ASHEVILLE, N.C.
OCT 2 2006
U.S. DISTRICT COURT
W. DIST. OF N.C.

Re: Case No: 2:05CR5

2:05cr5

Dear Sir or Madam:

My name is Koula Jane Littlejohn and am currently a Federal inmate housed at FCI Tallahassee. I just received the paperwork concerning a Writ of Continuing Garnishment, and Notice to Defendant Debtor on How to Claim Exemptions from my children's caregiver, Ms. Terri Long. I find it ironic that the AUSA Ms. Youngs said she sent me copies of these documents in a timely manner, but she didn't send them to me at FCI Tallahassee, although she knew I am incarcerated. I received these documents on September 15, and was not able to answer until today. Please accept this as my response, even though it was not received within 20 days as the AUSA didn't send them to my current address, with full knowledge of my incarceration. Also, if any further documents have been sent to another address, please send them to me at my current address, which is noted below.

I do receive a payment from the Eastern Band of Cherokee Indians (Tribal Income) every 6 months in the amount of approximately \$5,000. Even though I make approximately \$5.25 per month at the FCI, it isn't enough to cover my personal expenses (they do not provide items such as shampoo, etc. We have to purchase them from our personal funds.) My living expenses are \$290 per month and is sent to me from the Tribal Income (\$290 per month is the amount the FCI allows each inmate.) The remainder of the monies from Tribal Income go to my children's caregiver, Ms. Terri Long for child support. The formal child support order is currently being finalized in the State of North Carolina, County of Tribal Court, Docket # CV06.453, IV-D # 0005505274, "State of North Carolina on behalf of Teresa E Long, vs. Koula Littlejohn". Any questions can be sent to Ms. Carol B Long, Clerk of Superior Court.

I anticipate the child support payments will amount to \$272.50 per child per month, or \$3,260 from each Tribal Income check every 6 months. \$290 per month, or \$3,480 per year will go towards my living expenses.

The Tribal Income is the only source of income I receive other than the \$5.25 per month, \$63.00 per year, I receive from the FCI.

I hereby request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me by mail at 501 Capital Circle, NE, Tallahassee, FL, 32301. Also, make arrangements to have me moved from FCI Tallahassee to court in Asheville, NC for this hearing. You can make arrangements through the US Marshalls and the FBOP.

Sincerely,

Koula J. Littlejohn

Koula Jane Littlejohn, 15283-058
FCI Tallahassee
501 Capital Circle, NE
Tallahassee, FL 32301

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. §3613)

I claim that the exemption(s) from the levy which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books. -- Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects. -- So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value.
- ☐ 3. Books and tools of a trade, business, or profession. -- So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value.
- ☐ 4. Unemployment benefits. -- Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail. -- Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments. -- Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation. -- Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- ☒ 8. Judgments for support of minor children. -- If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- ☐ 9. Certain service-connected disability payments. -- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under -- (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37 or 39 of such Title 38.

- ____ 10. Assistance under Job Training Partnership Act. -- Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) From funds appropriated pursuant to such Act.

The statements made in this claim of settlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property or funds designated are made and declared under penalty of perjury that they are true and correct.



**I hereby request a court hearing to decide the validity of my claims.
Notice of the hearing should be given to me by mail at:**

(FCI Tallahassee, 501 Capital Circle, NE, Tallahassee, FL, 32301)
Address

or telephonically at (_____)
Phone No.

Koula Jane Littlejohn
Debtor's printed or typed name

Koula Littlejohn
Signature of Debtor Date

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the foregoing, Letter to Clerk of Court requesting a hearing regarding the major exemptions under Federal law (18 USC §3613) against Writ of Garnishment, upon the following addresses, by placing same in a sealed envelope, bearing sufficient postage

for the delivery via United States Mail Service to:
Clerk of the United States Court
Room 309, 100 Otis Street
Asheville, NC 28801

and deposited in the postal box provided for inmates on the grounds of the Federal Correctional Institution, in Tallahassee, Florida 32301-3400 on this 19 Day of September, 2006.

Koula Jane Littlejohn
Koula Jane Littlejohn, 15283-05

Litigation is deemed FILED at the time it was delivered to prison authorities.

See: Houston v. Lack, 101 L.Ed. 2d, 245 (1988).