

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-50572

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff – Appellee

v.

HARRIS EUGENE “Gene” YARBROUGH, III,

Defendant – Appellant

STEPHEN MILLER,

Movant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:01-CR-235

Before HIGGINBOTHAM, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The district court did not abuse its discretion in issuing a writ of garnishment under 28 U.S.C. § 3205 and entering a turnover order under Tex. Civ. Prac. & Rem. Code § 31.002 against the proceeds from the sale of property previously held in trust. Defendant-Appellant Harris Yarbrough entered into an enforceable agreement that terminated the trust, and therefore the proceeds became his property subject to garnishment for payment of his

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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restitution debt. Movant-Appellant Stephen Miller lacks standing to seek review of the district court's judgment.

Accordingly, Appellee's motion to dismiss the appeal for lack of standing is GRANTED IN PART as to Miller and DENIED IN PART as to Yarbrough. The judgment of the district court is AFFIRMED.