

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

NCNB FINANCIAL SERVICES,
INCORPORATED,
Plaintiff-Appellee.

and

ROY V. CREASY, Trustee,
Plaintiff.

v.

No. 95-2048

JOSEPH B. SHUMATE, JR.,
Defendant-Appellant.

and

COLEMAN FURNITURE CORPORATION
PENSION PLAN; JOHN R. PATTERSON,
Trustee,
Defendants.

In Re: JOSEPH B. SHUMATE, JR.,
Appellant.

and

ROY V. CREASY, Trustee,
Plaintiff.

No. 95-2824

v.

COLEMAN FURNITURE CORPORATION
PENSION PLAN; JOHN R. PATTERSON,
Trustee,
Defendants.

Appeals from the United States District Court
for the Western District of Virginia, at Roanoke.
Glen M. Williams, Senior District Judge.
(CA-83-279-R, CA-86-272-R, CA-86-432-R, CA-86-433-R)

Submitted: March 21, 1996

Decided: April 3, 1996

Before NIEMEYER and MICHAEL, Circuit Judges, and
BUTZNER,* Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Joseph B. Shumate, Jr., Appellant Pro Se. Stephen McQuiston
Hodges, PENN, STUART, ESKRIDGE & JONES, Abingdon, Vir-
ginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Joseph B. Shumate, Jr., appeals from the district court's orders (1)
denying his motion to stay NCNB's garnishment summons and writ

*Senior Judge Butzner did not participate in consideration of this case.
The opinion is filed by a quorum of the panel pursuant to 28 U.S.C.
§ 46(d).

of execution (No. 95-2048) and (2) denying his motion for return of \$3,123.04, which was deducted for administrative expenses, pursuant to 28 U.S.C.A. § 1914(b) (West 1994), from his funds held in the district court's registry (No. 95-2824).

This court has already determined that the pension funds at issue in this appeal are not entitled to protection under the anti-alienation provisions afforded by ERISA (29 U.S.C. § 1056(d)(1) (1988)), after an actual distribution. Nationsbank v. Shumate, No. 93-2092 (4th Cir. Dec. 29, 1994) (unpublished). Accordingly, Shumate's claims are barred by res judicata. Further, the district court properly determined that the administrative expenses which Shumate seeks to have returned to him were lawfully deducted. Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED