

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 98-4858

EDWARD WAYNE MAYORGA,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of North Carolina, at Wilmington.
James C. Fox, District Judge.
(CR-97-38-F)

Submitted: May 25, 1999

Decided: June 22, 1999

Before WILKINS, WILLIAMS, and KING, Circuit Judges.

Vacated by unpublished per curiam opinion.

COUNSEL

Edward Wayne Mayorga, Appellant Pro Se. Fenita Morris Shepard,
OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Edward Wayne Mayorga appeals from an October 1998 district court order garnishing funds in the "R&E Electronics, Inc. 401(k) Profit Sharing Plan" to satisfy court ordered restitution. In United States v. Mayorga, No. 97-4959, 1999 WL 300698 (4th Cir. May 13, 1999) (unpublished), we vacated the court's restitution order and remanded for further proceedings. In light of our disposition of the restitution order in that appeal, we vacate the court's garnishment order as well. We deny Mayorga's motion for an injunction as moot. 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.

VACATED