

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7163**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD DEAN MEARS,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:04-cr-00212-WO-1)

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Submitted: January 8, 2018

Decided: January 29, 2018

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Before NIEMEYER and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Richard Dean Mears, Appellant Pro Se. Joan Brodish Childs, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Dean Mears appeals the district court's order overruling Mears' objection to the writ of continuing garnishment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court.\* *United States v. Mears*, No. 1:04-cr-00212-WO-1 (M.D.N.C. Aug. 25, 2017). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

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\* Mears takes issue with the district court's statement that he did not claim that his 401(k) retirement plan is exempt property. Any error was harmless, because such retirement plan benefits are subject to garnishment for criminal restitution. *United States v. DeCay*, 620 F.3d 534, 541 (5th Cir. 2010); *United States v. Hosking*, 567 F.3d 329, 334 (7th Cir. 2009); *United States v. Novak*, 476 F.3d 1041, 1053 (9th Cir. 2007); *United States v. Irving*, 452 F.3d 110, 126 (2d Cir. 2003).