UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-10103
SUMMARY CALENDAR

CHARLES MCCLURE; JEANNIE MCCLURE,

Plaintiffs-Appellants,

VERSUS

SECURITY NATIONAL BANK OF MIDLAND,

Defendant,

FEDERAL DEPOSIT INSURANCE CORPORATION in its CORPORATE CAPACITY .

Movant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas

(3:93-MC-92-H)

December 3, 1997

Before DUHÉ, DEMOSS, and DENNIS, Circuit Judges.

PER CURIAM:[*]

Charles and Jeannie McClure appeal the granting of FDIC-Corporate's motion to correct an abstract of judgment filed by the McClures showing the Federal Deposit Insurance Corporation in its Corporate Capacity (FDIC-Corporate)as a judgment debtor.

In December 1986, a jury found Security Pacific Bank of

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Midland, Texas (Security) liable to the McClures for violations of the Bank Holding Company Act, 12 U.S.C. §§ 1971-1978. In accordance with the treble damage provisions of 12 U.S.C. § 1975, the court entered judgment against Security in the amount of $2,250,000 on December 31, 1986. The FDIC as receiver was substituted as defendant to the action on February 13, 1987. On November 20, 1987, an amendment to the December 31, 1986 judgment deleted the treble damages portion of the award. The November 20, 1987 order was re-entered on March 31, 1988. The McClures argue that by virtue of language inserted in a January 29, 1993 order dismissing their motion to have the November 20, 1987 order, as re-entered on March 31, 1988, declared void that FDIC-Corporate was also a party to the 1987 order.

The district court, adopting the magistrate's report and recommendations, found the abstract of judgment erroneous as the underlying judgment was not entered against FDIC-Corporate. In addition, the district court concluded the filing of the abstract of judgment violated 12 U.S.C. §§ 1825(b)(2) and 1823(d)(3)(A). The district court thus ordered the abstract of judgment stricken.

After carefully reviewing the briefs and the relevant portions of the record, we conclude the McClures' arguments have no merit. We affirm substantially for the reasons stated in the magistrate judge's report and recommendation adopted by the district court in its December 31, 1996 order. AFFIRMED.