

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11034
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ABRAHAM PADILLA, a/k/a Bene Padilla,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CR-339-R
- - - - -

November 14, 1996

Before GARWOOD, JOLLY, and DENNIS, Circuit Judges:

PER CURIAM:*

Abraham Padilla appeals his guilty-plea conviction to conspiracy to possess with intent to distribute 1,000 kilograms or more of marihuana. The district court did not abuse its discretion by refusing to grant Padilla's motion to withdraw his guilty plea. United States v. Bounds, 943 F.2d 541, 543 (5th Cir. 1991), cert. denied, 510 U.S. 845 (1993). The civil forfeiture judgment against Padilla, pursuant to 21 U.S.C. § 881,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and his subsequent conviction did not violate the Double Jeopardy Clause. United States v. Ursery, 116 S. Ct. 2135, 2147-49 (1996). The district court did not clearly err in its calculation of the amount of marihuana attributable to Padilla, see United States v. Angulo, 927 F.2d 202, 205 (5th Cir. 1991), and also did not clearly err by determining that Padilla was a leader or organizer. See United States v. Watson, 988 F.2d 544, 550 (5th Cir. 1993), cert. denied, 510 U.S. 1048 (1994).

AFFIRMED.