

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31128
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JEROME GAMBINO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
(92-CR-368-E)

June 24, 1996

Before KING, JOLLY, and PARKER, Circuit Judges.

PER CURIAM:*

Jerome Gambino appeals from the district court's denial of his motion for return of property pursuant to FED. R. CRIM. P. 41(e). He argues that he was twice put in jeopardy for the same offense. We have reviewed the record and the briefs of the parties and find no error in the decision of the district court. *United States v. Gambino*, No. 92-CR-368 E (E.D. La. Oct. 12,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

1995). Further, the district court did not abuse its discretion in denying Gambino's motion without conducting an evidentiary hearing. See *Dickens v. Lewis*, 750 F.2d 1251, 1255 (5th Cir. 1984). Accordingly, the district court's order denying Gambino's motion for return of property is

AFFIRMED.