

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40969
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GENE ALLEN LOCKABY,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:95-CV-235
- - - - -

June 12, 1996

Before KING, DUHE' and BARKSDALE, Circuit Judges.

PER CURIAM:*

Gene Lockaby, #4294-078, appeals the denial of his motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. Mr. Lockaby contends that double jeopardy barred his prosecution for drug-related offenses following civil forfeiture proceedings stemming from the same criminal activity. We have reviewed the record and the district court's opinion and find no

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

reversible error. Accordingly, we affirm for the same reasons given by the district court. *Lockaby v. United States*, No. 4:95-CV-235 (E.D. Tex. Nov. 1, 1995).

AFFIRMED.