

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40122
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUBEN RIVERA-PASTRANA,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(L-95-CR-160-1)

September 13, 1996
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Ruben Rivera-Pastrana appeals the denial of his request for reconsideration of his motion to dismiss indictment on double jeopardy grounds. However, pursuant to a plea agreement, he specifically agreed to postpone appellate review until after

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

conviction and sentence. This court lacks jurisdiction to hear his appeal. See Abney v. United States, 431 U.S. 651, 662 (1977).

APPEAL DISMISSED.