

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60524
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY RICHARDSON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:93-CR-3-WS
- - - - -

July 17, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Larry Richardson, federal prisoner # 03436-043, appeals the denial of his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Richardson contends that his conviction under 18 U.S.C. § 924(c)(1) should be vacated. He argues that his guilty plea was not knowing and voluntary because he did not comprehend the meaning of "use" and "carry" and that the Supreme Court's decision in Bailey v. United States, 116

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

S. Ct. 501 (1995), illustrates Congress' intent that active employment of a gun be evident under both the "use" and "carry" prongs of § 924(c)(1).

We have reviewed the record and the briefs and discern no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Richardson, No. 4:96-cv-1WS (S.D. Mississippi July 16, 1996). Richardson's motion to file an out-of-time reply brief is GRANTED, and the judgment of the district court is AFFIRMED.

AFFIRMED; MOTION GRANTED.