

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30965
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE EDWIN SINGLETON, also known as Jack Singleton,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-323-H
- - - - -

June 24, 1998

Before HIGGINBOTHAM, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

George Singleton appeals the district court's denial of his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. Singleton argues that the factual basis was insufficient to support his guilty plea for use of a weapon during a crime of violence, 18 U.S.C. § 924(c). The factual basis indicates that Singleton conspired with others to commit a car-jacking, participated in the car-jacking, and rode in the vehicle with his co-conspirators and a weapon. Singleton's co-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conspirator used the weapon to commit the car-jacking.

Accordingly, Singleton's § 924(c) conviction can be sustained under a Pinkerton v. United States, 328 U.S. 640 (1946) theory of liability. See United States v. Fike, 82 F.3d 1315, 1328 (5th Cir. 1996). Singleton's conviction can also be sustained under an aiding and abetting theory. See United States v. Burton, 126 F.3d 666, 670 (5th Cir. 1997). Accordingly, the district court did not err in denying the § 2255 motion.

AFFIRMED.