

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60005  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRELL HOLLOWAY,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:93CR107-B  
- - - - -  
(July 21, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Relying on United States v. Singleton, 824 F.Supp. 609 (E.D. La. 1993), Darrell Holloway argues that the district court's sentence imposed cumulative punishment in violation of the Double Jeopardy Clause of the Constitution. As the Government notes, the district court's decision in Singleton was recently reversed by this Court in United States v. Singleton, 16 F.3d 1419 (5th Cir. 1994), which explicitly held that double jeopardy does not preclude convictions and cumulative punishment for violations of

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

§§ 2119 and 924(c). The Court stated that "§ 924(c) clearly indicates Congress's intent to punish cumulatively violations of §§ 924(c) and 2119. That clear indication of Congress's intent saves the statutes from the double jeopardy bar even though they fail the Blockburger test." Id. at 1425; see also United States v. Portillo, 18 F.3d 290, 291-92 (5th Cir. 1994). Accordingly, the district court did not err in sentencing Holloway on both counts.

AFFIRMED.