

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50804
Summary Calendar

CARLOS ADMEDTH BENITEZ-ESCOBAR,
Plaintiff-Appellant,
versus
UNITED STATES OF AMERICA,
Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-95-CV-18
- - - - -

September 18, 1996
Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Carlos Admedth Benitez-Escobar (Benitez) appeals from the district court's order denying his petition for writ of error coram nobis pursuant to 28 U.S.C. § 1651. He argues that his criminal prosecution and the administrative forfeiture of automobile violated the Fifth Amendment prohibition of double jeopardy. We have reviewed the record and the briefs of the parties and hold that jeopardy did not attach because Benitez was

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

not a party to the administrative forfeiture and the in rem civil forfeiture does not constitute punishment for double jeopardy purposes. United States v. Morgan, 84 F.3d 765, 767 (5th Cir. 1996); United States v. Ursery, 116 S. Ct. 2135, 2149 (1996).

AFFIRMED.