

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30667
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY H. PRICE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 92-CR-314-D
- - - - -

October 22, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Larry H. Price, federal prisoner number # 23189-034, appeals the district court's resentencing on the remaining drug-trafficking counts of conviction after vacating his 18 U.S.C. § 924(c) firearms conviction pursuant to *Bailey v. United States*, 116 S. Ct. 501 (1995). He contends that the district court was without authority to order resentencing and that resentencing violated double jeopardy and due process. Contrary to Price's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

assertions, the district court had the authority to resentence. *United States v. Hernandez*, 116 F.3d 725, 727-28 (5th Cir. 1997). Further, resentencing did not implicate double jeopardy or due process concerns. *United States v. Rodriguez*, 114 F.3d 46, 47-48 (5th Cir. 1997); see also *United States v. Benbrook*, 119 F.3d 338, 339-41 (5th Cir. 1997).

AFFIRMED.