

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40052  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

MOISES VILLARREAL-LARA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA L-95-89; CR L-89-367  
- - - - -

July 24, 1996

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:<sup>1</sup>

Moises Villarreal-Lara, Federal prisoner # 48011-079, appeals the dismissal of his motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Villareal-Lara claims that in light of the administrative forfeiture of his tractor, a 1975 Freightliner, his criminal conviction pursuant to a guilty plea constitutes an impermissible second punishment for the same offense.

This matter is controlled by the Supreme Court's recent decision in United States v. Ursery, \_\_ S. Ct. \_\_, 1996 WL 340815,

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<sup>1</sup> Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

\*8 (June 24, 1996), in which the Court held that "*in rem* civil forfeiture is a remedial civil sanction, distinct from potentially punitive *in personam* civil penalties such as fines, and does not constitute a punishment under the Double Jeopardy Clause." Even if *Urserly* did not control, we would affirm on the reasoning of the district court. United States v. Villarreal-Lara, No. CA L-95-89; CR-L-89-367 (S.C.Tex. Nov. 30, 1995); see United States v. Morgan, 84 F.3d 765 (5th Cir. 1996).

AFFIRMED.