

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40449
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX MEDINA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-96-CV-28
- - - - -

July 29, 1996

Before HIGGINBOTHAM, SMITH and BARKSDALE, Circuit Judges.

PER CURIAM:*

Felix Medina, #54420-079, appeals from the district court's dismissal of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Medina has filed with this court a request to proceed in forma pauperis (IFP) on appeal. Medina argues that the civil forfeiture of his property and his subsequent sentence of incarceration constituted multiple

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

punishments for the same offense in violation of the Double Jeopardy Clause. We have reviewed the record and conclude that Medina has not demonstrated that he will present a nonfrivolous issue on appeal. Accordingly, Medina's motion to proceed IFP on appeal is DENIED and the appeal is DISMISSED. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 5th Cir. R. 42.2.