

FILED

May 25, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 05-50119
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES PHELPS, JR., also known as Mr. D,
also known as Dave Smith,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:03-CR-197-6

Before REAVLEY, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the reasons given in its order dated January 4, 2005. The court there found that Charles Phelps Jr. failed to prove that he owned an interest in the forfeited property. That finding is supported by the evidence and is free of error.

Any pending motions are denied.

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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