

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10475
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARMON COATS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:93-CR-128-A

- - - - -
(January 26, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

Garmon Coats contends that his convictions for obstructing commerce by robbery, a violation of 18 U.S.C. § 1951, and for using and carrying a firearm during a crime of violence, a violation of 18 U.S.C. § 924(c), violate double jeopardy. Coats's arguments on this issue are foreclosed by this Court's opinion in United States v. Martinez, 28 F.3d 444, 446 (5th Cir.), cert. denied, 115 S. Ct. 281 (1994), wherein the Court held that "both statutory comparison and statutory construction

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

make abundantly clear that concurrent prosecutions for sections 1951 and 924(c)(1) violations do not violate double jeopardy protection."

AFFIRMED.