

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60064
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THOMAS PETE ARNOLD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:93CR107-B-D
- - - - -

(July 19, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Thomas Pete Arnold argues that his sentences for carjacking and using a firearm during a crime of violence are improperly cumulative because the elements of both offenses are the same.

This Court, subsequent to the sentencing hearing in this case, ruled on the specific issue Arnold raises. In United States v. Singleton, 16 F.3d 1419, 1420-21 (5th Cir. 1994), the defendant, like Arnold, was indicted for carjacking and using a firearm during a crime of violence. This Court, acknowledging that the issue was one of first impression, ruled that "Congress

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

has made a sufficiently clear indication of its intent to impose cumulative punishments for violations of [18 U.S.C.] § 924(c) and all crimes of violence, including 'carjacking,' to satisfy the requirements of the Double Jeopardy Clause." 16 F.3d at 1421, 1429; see United States v. Portillo, 18 F.3d 290, 291-92 (5th Cir. 1994) (applying Singleton). Singleton, therefore, renders Arnold's argument without merit.

AFFIRMED.