

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31310
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNARDO GARCIA, also known as John Doe, also known as Rafael
Nina Encarnacisa,

Defendant-Appellant.

Appeal from the United States District Court
for the
Eastern District of Louisiana
(94-CR-46-T-3)

Consolidated with

No. 95-31324
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNARDO GARCIA, a/k/a Beto,

Defendant-Appellant.

Appeal from the United States District Court

for the
Eastern District of Louisiana
(94-CR-250-T)

May 16, 1997

Before JOHNSON, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Bernardo Garcia appeals his guilty-plea conviction for using and carrying a firearm in violation of 18 U.S.C. § 924(c)(1). The record does not establish a factual basis for Garcia's plea to either the use or carrying of a firearm within the meaning of the statute. See United States v. Hall, __ F.3d __ (5th Cir. Apr. 14, 1997) (No. 95-60551), 1997 WL 180388. Accordingly, we VACATE the conviction and REMAND the case for further proceedings.

VACATED AND REMANDED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.