

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40465
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SUNDAY OLASEBIKAN, a/k/a Sunny,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:94-CR-12-9
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Sunday Olasebikan appeals his conviction and sentence for conspiracy to possess with intent to distribute cocaine. Olasebikan has shown no error with respect to his assertions that it was improper to charge him by information because two superseding indictments had been returned against him and that the sentencing guidelines contain a sentencing cap of one year for first-time offenders who plead guilty to an information.

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The district court did not err by modifying Olasebikan's judgment of conviction in accordance with United States v. Quaye, 57 F.3d 447, 450-54 (5th Cir. 1995)

Olasebikan has not demonstrated plain error by his assertion that his conviction should have been barred as violative of the Double Jeopardy Clause because he had already been punished for his crime by the seizure of a 1972 Chevelle. United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc) (citing United States v. Olano, 507 U.S. 725, ____, 113 S. Ct. 1770, 1776-79 (1993)), cert. denied, 115 S. Ct. 1266 (1995); United States v. Tilley, 18 F.3d 295, 298-99 (5th Cir.), cert. denied, 115 S. Ct. 574 (1994).

We will not address several new issues raised by Olasebikan for the first time in his reply brief. United States v. Prince, 868 F.2d 1379, 1386 (5th Cir.), cert. denied, 493 U.S. 932 (1989).

AFFIRMED.