

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50766
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

ROBERT JAMES BIRD,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-92-CR-357-H(4)

- - - - -
July 31, 1996

Before JOHNSON, WIENER and STEWART, Circuit Judges.

PER CURIAM:*

Robert James Bird appeals from the district court's order denying his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. He argues his criminal prosecution following the administrative forfeiture of his vehicle violated the Fifth Amendment prohibition against double jeopardy. A summary forfeiture, by definition, can never serve as a jeopardy

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

component of a double jeopardy motion. United States v. Arreola-Ramos, 60 F.3d 188, 192 (5th Cir. 1995).

Bird also contends that he received inadequate notice of the forfeiture. The district court did not err in determining that this claim is outside the scope of a § 2255 motion. See Arreola-Ramos, 60 F.3d at 191.

AFFIRMED.