

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50940
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HECTOR GOMEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-95-CR-002-H(1)
- - - - -

August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Hector Gomez appeals his conviction for conspiracy to possess with the intent to distribute cocaine and possession of cocaine with the intent to distribute. 21 U.S.C. §§ 841, 846. He argues that the district court erred in denying his motion to dismiss the indictment, in which he argued the federal prosecution violated the Double Jeopardy Clause because Texas forfeited the vehicle in which he carried the cocaine. We have

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

reviewed the briefs and the record and find no reversible error.

United States v. Ursery, ___ U.S. ___, (U.S. Jun. 24, 1996, No. 95-345), 1996 WL 340815 at *13; *United States v. Moore*, 958 F.2d 646, 650 (5th Cir. 1992).

AFFIRMED.