

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40274  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NORBERTO MONTALVO, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-95-CV-257 (M-92-CR-71-2)  
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Norberto Montalvo, Jr., # 40684-079, appeals the district court's denial of his 28 U.S.C. § 2255 motion. He argues that the forfeiture of his real property pursuant to 21 U.S.C. § 881(a)(7), in addition to his convictions and sentences for conspiracy and possession with intent to distribute cocaine, constituted double punishment in violation of the Double Jeopardy Clause. His argument is without merit. See United States v. Ursery, 116 S. Ct. 2135, 2149 (1996).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

AFFIRMED.