

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40327
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID MILTON CONINE,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 3:95-CV-28 and 3:92-CR-15
- - - - -

November 14, 1996

Before GARWOOD, JOLLY, and DENNIS, Circuit Judges:

PER CURIAM:*

David Milton Conine, # 03997-078, appeals the district court's denial of his motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Having reviewed Conine's arguments and the record on appeal, we affirm for essentially the same reasons stated by the district court. United States v. Conine, 3:95-CV-28 and 3:92-CR-150 (E.D. Tex, March 20, 1996). Additionally, Conine's Double Jeopardy claim is meritless under

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.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 intervening decision of United States v. Ursery, 116 S. Ct.
2135 (1996).

AFFIRMED.