

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50006  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MOSES RAMIREZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-95-CV-210  
- - - - -

July 9, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:\*

Moses Ramirez, #60364-080, 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 \$3,000 violated the Fifth Amendment prohibition against double jeopardy. Ramirez is procedurally barred from asserting a double jeopardy claim. See United States v. Frady, 456 U.S. 152, 102 S. Ct. 1584

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1982). Under United States v. Arreola-Ramos, 60 F.3d 188 (5th Cir. 1995), there can be no double jeopardy claim because he failed to contest the forfeiture. Id., 60 F.3d at 192.

AFFIRMED.