

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-50673  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DOUGLAS FITZGERALD BLEDSOE,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-96-CA-23  
- - - - -

April 2, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

Douglas Fitzgerald Bledsoe, federal prisoner # 55871-080, appeals the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Bledsoe argues that his conviction for using and carrying a firearm during and in relation to a drug-trafficking offense under 18 U.S.C. § 924(c) should be vacated in view of the Supreme Court's decision in Bailey v. United States, 116 S. Ct. 501 (1995). The factual basis of Bledsoe's guilty plea supports his

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conviction under the "carrying" prong of § 924(c) as the factual basis establishes that Bledsoe knowingly possessed the firearm in the vehicle during and in relation to a drug-trafficking offense. See United States v. Rivas, 85 F.3d 193, 195 (5th Cir.), cert. denied, 117 S. Ct. 593 (1996). The firearm need not have been immediately accessible to Bledsoe in order for Bledsoe's conviction to be upheld under the "carrying" prong of § 924(c). See United States v. Harlan, 130 F.3d 1152, 1153-54 (5th Cir. 1997); United States v. Muscarello, 106 F.3d 636, 639 (5th Cir.), cert. granted, 118 S. Ct. 621 (U.S. Dec. 12, 1997)(Nos. 96-1654, 96-8837). The grant of certiorari in Muscarello does not alter the authority of our decision; thus, we continue to follow our precedent even when the Supreme Court grants certiorari on an issue. See Wicker v. McCotter, 798 F.2d 155, 157-58 (5th Cir. 1986). The district court did not err in holding that Bledsoe's conviction should be affirmed under the "carrying" prong of § 924(c) and denying Bledsoe's § 2255 motion.

AFFIRMED.