

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Nos. 97-30139 & 97-30961  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY OCHSNER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC Nos. 95-CV-3978-N & 89-CR-220-N  
- - - - -

March 10, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Larry Ochsner, federal prisoner # 19267-077, appeals from the district court's denials of his motions to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 and for reduction of his sentence pursuant to 18 U.S.C. § 3582. Ochsner argues that the evidence was insufficient to support his conviction for using and carrying a firearm in relation to a drug-trafficking offense in light of the Supreme Court's decision in Bailey v. United States, 116 S. Ct. 501 (1995); that his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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firearms conviction violated principles of double jeopardy because it was based upon a 21 U.S.C. § 846 conspiracy conviction; and that the district court abused its discretion by denying his motion for reduction of sentence because U.S.S.G. § 2D1.1 did not apply to his case. We have reviewed the record and find no reversible error. Accordingly, the judgments are AFFIRMED for essentially the reasons stated by the district court. See United States of America v. Ochsner, No. 89-220 (E.D. La. Jan. 8, 1997); United States of America v. Ochsner, No. 89-220 (E.D. La. Aug. 28, 1997).