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No. 95-2924

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John Lee Ivy,

Appellant,

v.

United States of America,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Missouri.

\* [UNPUBLISHED]  
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Submitted: April 3, 1996

Filed: April 12, 1996

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Before FAGG, BOWMAN, and HANSEN, Circuit Judges.

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PER CURIAM.

John Lee Ivy appeals the District Court's<sup>1</sup> denial of his 28 U.S.C. § 2255 motion, in which he argued that his criminal conviction constituted double jeopardy because of a previous civil forfeiture. We affirm as the motion, files, and records conclusively show Ivy was not entitled to relief. See United States v. Duke, 50 F.3d 571, 576 (8th Cir.) (standard of review), cert. denied, 116 S. Ct. 224 (1995); United States v. Sykes, 73 F.3d 772, 773-74 (8th Cir. 1996) (defendant who did not contest civil forfeiture was not party to forfeiture proceeding and therefore was not placed in prior jeopardy); United States v. Clementi, 70 F.3d 997, 999-1000 & n.4 (8th Cir. 1995).

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<sup>1</sup>The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.