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No. 96-1779

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Curtis A. Newman,  
Appellant,  
v.  
United States of America,  
Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
\* [UNPUBLISHED]  
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Submitted: August 20, 1996

Filed: August 30, 1996

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Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

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PER CURIAM.

Curtis A. Newman pleaded guilty to aiding and abetting the distribution of cocaine, and the district court<sup>1</sup> sentenced him to 87 months imprisonment. He did not appeal. Newman then filed this 28 U.S.C. § 2255 motion, asserting that his conviction and sentence violated the Double Jeopardy Clause's prohibition against multiple punishments for the same offense, because both real and personal property belonging to him had been forfeited to the government. The district court denied Newman's section 2255 motion, and he appeals.

We conclude that Newman was not entitled to relief on his double jeopardy claim. See United States v. Ursery, 116 S. Ct.

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The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota.

2135, 2139, 2149 (1996) (holding civil forfeitures under 21 U.S.C. § 881(a)(6) and (7) are neither "punishment" nor criminal for purposes of Double Jeopardy Clause).

Accordingly, we affirm.

A true copy.

Attest:

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