
No. 96-1868

Major Becton,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Missouri.

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[UNPUBLISHED]

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Submitted: August 29, 1996

Filed: September 10, 1996

Before BEAM, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Major Becton pleaded guilty to several narcotics offenses and was sentenced to 156 months imprisonment. Prior to his plea, federal agents had seized cash representing drug proceeds; some of the cash was administratively forfeited, and some was the subject of a judicial forfeiture action that was dismissed after Becton's sentencing. Becton then filed this 28 U.S.C. § 2255 motion, contending that the government had successively prosecuted him for the same conduct, in violation of the Double Jeopardy Clause. The district court¹ rejected this contention, and Becton appeals.

We note that, contrary to Becton's assertion on appeal, the district court's order clearly indicated the court's reasons for denying the motion. Upon our de novo review, we conclude that

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

Becton was not entitled to relief on his double jeopardy claim. See United
ates v. Ursery 1
forfeitures & (7) are neither punishment nor
criminal for purposes of Double Jeopardy Clause).

A true copy.

Attest: