
No. 96-1591

Vern C. Top Bear,
Appellant,
v.
United States of America,
Appellee.

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* Appeal from the United States
* District Court for the
* District of South Dakota.
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* [UNPUBLISHED]
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Submitted: October 7, 1996

Filed: October 16, 1996

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

PER CURIAM.

Vern C. Top Bear appeals from the district court's¹ denial of his 28 U.S.C. § 2255 motion, on the ground that Top Bear was not "in custody." After careful review of the record and the parties' briefs, we conclude that denial of relief was proper. See 8th Cir. R. 47B.

A true copy.

Attest:

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

¹The Honorable Richard H. Battey, Chief Judge, United States District Court for the District of South Dakota.