
No. 96-1784

Alan Wayne Neal,
Appellant,
v.
United States of America,
Appellee.

*
*
* Appeal from the United States
* District Court for the
* Southern District of Iowa.
*
* [UNPUBLISHED]
*
*

Submitted: September 30, 1996

Filed: October 22, 1996

Before BOWMAN, MAGILL, and LOKEN, Circuit Judges.

PER CURIAM.

Alan Wayne Neal pleaded guilty to possessing cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(ii) (1994) and 18 U.S.C. § 2 (1994), and using and carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (1994). The District Court¹ imposed consecutive 60-month sentences; Neal did not appeal. He then filed this 28 U.S.C. § 2255 (1994) motion, arguing that in light of Bailey v. United States, 116 S. Ct. 501 (1995), his section 924(c)(1) conviction should be vacated. The District Court denied relief, and Neal appeals.

We conclude Neal's argument is meritless because he admitted at his guilty-plea hearing that he carried a firearm in his vehicle

¹The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa.

during the drug trafficking offense. See United States v. Willis, 89 F.3d 1371, 1378-79 (8th Cir. 1996) (stating that Bailey left intact "carry" prong of § 924(c)(1), as well as pre-Bailey cases analyzing "carry" prong; holding defendant "carried" firearm by transporting firearms in passenger compartment of vehicle loaded with crack cocaine), cert. denied, 65 U.S.L.W. 3265 (U.S. Oct. 8, 1996) (No. 96-5793).

Accordingly, we affirm.

A true copy.

Attest:

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