

---

No. 96-1809

---

Calixto Raymond Ledon,                   \*  
  \*  
  \*  
  \*    Appeal from the United States  
  \*    District Court for the  
  \*    District of Minnesota.  
v.   \*  
United States of America,               \*  
  \*                                       **[UNPUBLISHED]**  
  \*  
  \*

---

Submitted: December 18, 1996

Filed: December 24, 1996

---

Before BOWMAN, MAGILL, and LOKEN, Circuit Judges.

---

PER CURIAM.

In 1995, Calixto Raymond Ledon pleaded guilty to distributing cocaine. The district court<sup>1</sup> sentenced him to 70 months imprisonment and four years supervised release. Ledon did not file a direct criminal appeal. Ledon filed the instant 28 U.S.C. § 2255 motion, asserting that his criminal conviction violated the Double Jeopardy Clause's prohibition against multiple punishments for the same offense, because his property had previously been administratively forfeited pursuant to 21 U.S.C. § 881(a)(4) and (a)(6). The district court denied relief, and Ledon appeals.

Ledon's claim is foreclosed for the reasons set forth in United States v. Ursery, 116 S. Ct. 2135, 2148-49 (1996) (civil

---

<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

forfeitures under 21 U.S.C. § 881(a)(6) and (7) are neither "punishment" nor criminal for purposes of Double Jeopardy Clause); United States v. One 1970 36.9' Columbia Sailing Boat, 91 F.3d 1053, 1056 (8th Cir. 1996) (Ursery applies to forfeitures under § 881(a)(4)); and United States v. Kress, 88 F.3d 664, 665-66 (8th Cir. 1996) (Ursery forecloses a double jeopardy claim involving administrative forfeiture).

Accordingly, we affirm.

A true copy.

Attest:

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