

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-6929**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BERNARDO SEGUNDO CALLEJA,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-86-28-R, CA-95-998-R)

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Submitted: September 17, 1996                      Decided: December 13, 1996

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Before HALL, MURNAGHAN, and WILKINS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Bernardo Segundo Calleja, Appellant Pro Se. Thomas Jack Bondurant, Jr., Assistant United States Attorney, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Bernardo Calleja appeals from the district court's order denying his motion to correct an illegal sentence pursuant to former Fed. R. Crim. P. 35(a). Calleja claimed that his sentence was illegally imposed and that given the administrative forfeiture proceedings instituted against him, his conviction violated the Double Jeopardy Clause of the Fifth Amendment. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Calleja, Nos. CR-86-28-R; CA-95-998-R (W.D. Va., May 28, 1996). We note that in the interim, the Supreme Court decided United States v. Ursery, \_\_\_ U.S. \_\_\_, 64 U.S.L.W. 4565 (U.S. June 24, 1996) (Nos. 95-345, 95-346), which conclusively decides Calleja's double jeopardy claim. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED