

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 95-7284

VADEN LEE WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
John A. MacKenzie, Senior District Judge.  
(CR-91-70-N, CA-95-401-2)

Argued: June 3, 1996

Decided: August 29, 1996

Before WIDENER, WILKINS, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

**ARGUED:** Bruce Charles Bishop, Third Year Law Student, Russell S. Post, Third Year Law Student, Appellate Litigation Clinic, UNIVERSITY OF VIRGINIA LAW SCHOOL, Charlottesville, Virginia, for Appellant. Kent Pendleton Porter, Assistant United States Attorney, UNITED STATES ATTORNEY'S OFFICE, Norfolk, Virginia, for Appellee. **ON BRIEF:** Neal L. Walters, Appellate Litigation Clinic, UNIVERSITY OF VIRGINIA LAW SCHOOL, Charlottesville, Virginia, for Appellant. Helen F. Fahey, United States

Attorney, Mark A. Exley, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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## **OPINION**

### **PER CURIAM:**

The defendant, Vaden Lee Williams, appeals the district court's denial of his petition under 28 U.S.C. § 2255. That court held that civil forfeiture of an instrumentality of criminal activity is not punishment for purposes of the double jeopardy clause.

Following briefing and oral argument on June 3, 1996, before this court, the Supreme Court decided that civil in rem forfeiture is not punishment for purposes of the double jeopardy clause. United States v. Ursery, 65 U.S.L.W. 4565 (U.S. June 24, 1996). The parties have submitted to us memoranda on the effect of Ursery, and counsel for Williams agrees that the Supreme Court's Ursery decision controls this aspect of the case.

We have not found any error, however claimed, in the decision of the district court.

The judgment of the district court denying the defendant's petition under 28 U.S.C. § 2255 is accordingly

**AFFIRMED.**