

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1864

United States of America,

Appellee,

v.

Sonni Natasha Hernandez,

Appellant.

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Appeal from the United States
District Court for the Southern
District of Iowa.

[UNPUBLISHED]

Submitted: December 7, 2005
Filed: December 12, 2005

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Sonni Natasha Hernandez appeals the 120-month sentence the district court^{*} imposed after Hernandez pleaded guilty to a drug-conspiracy charge. Hernandez argues the government acted in bad faith by not filing a motion under 18 U.S.C. § 3553(e) for a departure below the mandatory minimum sentence. We conclude Hernandez failed to make a substantial threshold showing that the government's refusal was "irrational, in bad faith, or based on an unconstitutional motive." See

^{*}The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.

United States v. Davis, 397 F.3d 672, 676 (8th Cir. 2005) (quoting Wade v. United States, 504 U.S. 181, 186 (1992)). Accordingly, we affirm.
