

April 11, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-60859  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHARON SHARPE CAMPBELL-ALLISON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:95-CR-24-GRo  
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Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Sharon Sharpe Campbell-Allison, federal inmate #03811-043, was convicted on her plea of guilty to a charge of conspiracy to possess cocaine with intent to distribute and was sentenced to 188 months of imprisonment and five years of supervised release. Campbell-Allison appeals the district court's denial of her motion to compel the Government to move pursuant to FED. R. CRIM. P. 35(b) for a reduction of sentence based on her substantial assistance.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The district court construed Campbell-Allison's motion as arising under Rule 35(b). A motion for reduction of a sentence pursuant to Rule 35(b) must be filed by the Government. United States v. Early, 27 F.3d 140, 141 (5th Cir. 1994). The Government's refusal to move for a reduction of sentence is not reviewable by the district court absent a "substantial threshold showing" that the decision is based on an unconstitutional motive. Wade v. United States, 504 U.S. 181, 185-86 (1992). Campbell-Allison has not made such a showing.

Campbell-Allison's motion was "unauthorized and without a jurisdictional basis." United States v. Early, 27 F.3d 140, 141 (5th Cir. 1994). Accordingly, the judgment of the district court is AFFIRMED.