

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11159  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELADIO VILLARREAL, Jr.,  
a/k/a Seal dft 1,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CR-427-G  
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Eladio Villarreal, Jr., appeals his conviction pursuant to a guilty plea for conspiracy to distribute 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 846. Villarreal contends that the district court erred by denying his motion to enforce the plea agreement. Our review of the record, the briefs, and the authorities convinces us that the district court did not err.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

See United States v. Garcia-Bonilla, 11 F.3d 45, 46-47 (5th Cir. 1993). Villarreal failed to show that the Government's failure to move for downward departure pursuant to U.S.S.G. § 5K1.1, p.s., was based on an unconstitutional motive and failed to show that the Government's failure to outline his cooperation in the Presentence Report was inconsistent with the parties' reasonable understanding of the agreement. See id.

AFFIRMED.