

August 15, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30354  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

WILBERT WILSON

Defendant - Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 99-CR-50082-2  
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Before KING, Chief Judge, and EMILIO M. GARZA and BENAVIDES,  
Circuit Judges.

PER CURIAM:\*

Wilbert Wilson appeals the district court's order denying his motion to compel the Government to perform on an alleged agreement. Wilson argues that the district court has authority to review the Government's refusal to move for a downward departure and that the district court should have conducted a hearing prior to denying him relief. He argues that the Government has acted in bad faith and has breached a cooperation agreement. He asserts that the jurisdictional basis for his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion is FED. R. CRIM. P. 35(b). Wilson's motion cannot arise under FED. R. CRIM. P. 35(b) because the motion was not filed by the Government.

Wilson has appealed from the denial of a meaningless, unauthorized motion. Accordingly, the district court's denial of Wilson's motion is AFFIRMED because the district court lacked jurisdiction to entertain the motion.

AFFIRMED.