

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-31012  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMMIE FORD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CR-50040-ALL  
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April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Timmie Ford, now federal prisoner #09615-035, appeals the district court's denial of his FED. R. CRIM. P. 35(b) motion for reduction of sentence. Ford pleaded guilty to crack cocaine distribution. In its plea agreement with Ford, the Government retained the discretion to file a motion for reduction of sentence. Ford asserts that he provided substantial assistance to the Government in another prosecution and that the Government should have filed a motion for reduction of his sentence. As the district court noted, re-sentencing pursuant to Rule 35(b) is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

allowed only on the Government's motion. See United States v. Early, 27 F.3d 140, 141 (5th Cir. 1994). Even if the Government had agreed to file a Rule 35(b) motion, Ford's arguments are vague and are not the "substantial threshold showing" of unconstitutional motivation that is required before the district court can consider a defendant's Rule 35(b) motion. See United States v. Sneed, 63 F.3d 381, 389 n.6 (5th Cir. 1995). Therefore, the judgment of the district court denying Ford's Rule 35(b) motion is AFFIRMED.